File Microcopies of Records in the National Archives: No. 133

Roll 72

DESPATCHES FROM UNITED STATES MINISTERS TO JAPAN

Volume 72

September 3, 1898 - July 29, 1899

THE NATIONAL ARCHIVES

Washington: 1949

INTRODUCTION

The 83 volumes reproduced in this microcopy contain communications, with related enclosures, that were received by the Secretary of State from diplomatic representatives of the United States accredited to Japan in the period 1855-1906. The series, which may be referred to as "Diplomatic Despatches, Japan," is part of a larger body of records in the National Archives designated as Record Group 59, General Records of the Department of State. The documents have been reproduced in the order, for the most part chronological, in which they appear in the volumes. Their contents are registered on Roll 1.

The volumes, each of which has been microcopied on a separate roll (except volumes 81 and 81 Annex which have been placed on one roll), are distributed as follows:

Roll	Volume	Inclusive Dates
1	1	March 17, 1855 - June 29, 1858
2	2	July 1, 1858 - December 31, 1859
3	3	January 2, 1860 - May 6, 1862
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5	5	January 4, 1864 - December 31, 1864
6	6	January 2, 1865 - December 31, 1865
7	7	January 3, 1866 - December 31, 1866
8	8	January 2, 1867 - December 31, 1867
9	9	January 2, 1868 - April 8, 1868
10	10	April 10, 1868 - August 26, 1868
11	11	September 1, 1868 - April 1, 1869
12	12	April 1, 1869 - March 10, 1870
13	13	June 25, 1869 - April 21, 1870
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19	19	August 27, 1871 - December 22, 1871
20	20	December 23, 1871 - September 27, 1872
21	21	September 29, 1872 - January 12, 1873
22	22	January 18, 1873 - April 12, 1873
23	23	April 16, 1873 - May 26, 1873
24	24	May 27, 1873 - July 5, 1873
25	25	July 6, 1873 - September 2, 1873
26	26	September 13, 1873 - December 18, 1873

Roll	Volume	Inclusive Dates
27	27	December 19, 1873 - March 20, 1874
28	28	March 21, 1874 - October 8, 1874
29	29	October 9, 1874 - March 20, 1875
30	30	March 23, 1875 - October 5, 1875
31	31	October 6, 1875 - February 5, 1876
32	32	February 8, 1876 - August 22, 1876
33	33	September 4, 1876 - March 6, 1877
34	34	March 7, 1877 - September 19, 1877
35	35	September 24, 1877 - December 31, 1877
36	36	January 4, 1878 - April 17, 1878
37	37	April 18, 1878 - July 23, 1878
38	38	July 24, 1878 - December 27, 1878
39	39	January 4, 1879 - July 23, 1879
40	40	July 24, 1879 - October 29, 1879
41	41	November 6, 1879 - March 24, 1880
42	42	April 9, 1880 - July 26, 1880
43	43	August 3, 1880 - January 22, 1881
44	44	February 1, 1881 - June 30, 1881
45	45	July 4, 1881 - November 23, 1881
46	46	December 3, 1881 - May 23, 1882
47	47	May 30, 1882 - November 30, 1882
48	48	December 4, 1882 - July 31, 1883
49	49	August 3, 1883 - December 31, 1883
50	50	January 7, 1884 - June 30, 1884
51	51	July 1, 1884 - December 29, 1884
52	52	January 2, 1885 - July 30, 1885
53	53	August 1, 1885 - December 31, 1885
54	54	January 6, 1886 - July 9, 1886
55	55	July 10, 1886 - December 29, 1886
56	56	January 1, 1887 - May 23, 1887
57	57	June 1, 1887 - December 31, 1887
58	58	January 6, 1888 - October 26, 1888
59	59	November 5, 1888 - July 31, 1889
60	60	August 1, 1889 - January 31, 1890
61	61	February 5, 1890 - June 23, 1890
62	62	July 7, 1890 - December 24, 1890
63	63	January 8, 1891 - December 28, 1891
64	64	January 5, 1892 - December 28, 1892
65	65	January 4, 1893 - August 28, 1893
66	66	September 2, 1893 - June 30, 1894
67	67	July 3, 1894 - November 29, 1894
68	68	December 7, 1894 - July 31, 1895
69	69	August 9, 1895 - September 22, 1896
70	70	October 1, 1896 - November 30, 1897
71	71	December 6, 1897 - August 29, 1898
72	72	September 3, 1898 - July 29, 1899
73	73	August 3, 1899 - June 30, 1900
74	74	July 1, 1900 - January 31, 1901
75	75	February 5, 1901 - December 31, 1901

Roll	Volume	Inclusive Dates
76	76	January 3, 1902 - August 30, 1902
77	77	September 1, 1902 - November 30, 1903
78	78	December 1, 1903 - June 30, 1904
79	79	July 1, 1904 - February 25, 1905
80	80	March 4, 1905 - August 31, 1905
81	81	September 5, 1905 - February 28, 1906
	81 Annex	November 24, 1905
82	82	March 1, 1906 - August 9, 1906

Most of the communications are original despatches, usually accompanied by enclosures. Some of the enclosures are original notes to the American representatives from officials of the Japanese foreign ministry. Other enclosures were written by American consuls in Japan and, occasionally, by private citizens of the United States. A considerable number of enclosures are copies of communications sent by American representatives to Japanese officials. Pamphlets, newspaper clippings, and other printed matter are sometimes enclosed.

Apart from numbered despatches and enclosures, these volumes contain many unnumbered letters, some of which are marked "Private" or "Confidential." Unnumbered or private letters, more informal than despatches, may report official matters requiring secrecy or not fully covered in the despatches, or may convey personal news, acknowledgments of appointment or recall, announcements of arrival or departure, and statements of official expenses. The volumes also contain telegrams and cables, which were not numbered.

The register to these despatches reproduced on Roll 1 of this microcopy consists of selected pages from a number of State Department registers, which, taken as a unit, comprise a register of these despatches from 1855 to 1906. These register volumes, in their entirety, record diplomatic despatches received by the Department of State from American legations throughout the world from 1789 to 1906. For the period beginning in 1870 the communications reproduced in this microcopy are registered, with those from representatives in other countries, in volumes that have been reproduced as the first 10 rolls of File Microcopy 17, State Department Registers of Correspondence.

In Record Group 59, General Records of the Department of State, in the National Archives there are several series of volumes containing additional material on the relations between Japan and the United States. Complementary to the diplomatic despatches are instructions from the Secretary of State to the diplomatic representatives of the United States accredited to Japan, 1855-1906, which have been reproduced on Rolls 104-108 of File Microcopy 77, Diplomatic Instructions of the Department of State. Additional records pertaining to the relations between the United States and Japan during the period covered by the present microcopy include the

communications ("Notes") exchanged between the Secretary of State and the diplomatic representatives of Japan in Washington. Related to these records, though less directly, are despatches to the Department of State from United States consuls at Nagasaki, 1860-1906 (File Microcopy 131), Kanagawa, 1861-1897 (File Microcopy 135), Yokohama, 1897-1906 (File Microcopy 136), and at Osaka, Hiogo, and Kobe, 1868-1906. All these series were discontinued on August 14, 1906, when the Department of State adopted the practice of filing incoming and outgoing correspondence, not of a routine nature, by subject in a single numerical case file. Correspondence on routine matters was placed in a "minor file." In 1910 this system was abandoned and the Department's present decimal system of subject classification adopted. The numerical case file, the "minor file," and the decimal file are in the National Archives through 1929.

Also in the National Archives, in Record Group 84, Records of the Foreign Service Posts of the Department of State, there are records kept by American diplomatic and consular posts. Although these post records duplicate to some extent the records that were kept in Washington, they supplement them importantly by providing detailed information about many transactions that were only summarized or were not reported on at all in the documents that were transmitted to Washington. File microcopies of these post records have not been made.

In this microcopy the ends of lines next to the binding have not always been reproduced by the camera; a reading of any lines thus affected will be provided upon request by the National Archives.

ROLL CONTENTS

The volume microcopied on this roll has the following backstrip title: "72 / Japan / Alfred E. Buck / September 1, 1898 / July 31, 1899 / 188 - 338 / Department / of State." It contains communications, with related enclosures, to the Secretary of State from Alfred E. Buck, Envoy Extraordinary and Minister Plenipotentiary accredited to the Government of Japan, April 13, 1897.

OB
358

162

72

2 119166
State
M.B

Japan

Alfred E. Buck.

Sept 1 1898 — Nov. 30. 1899

188 — 384

DIPLOMATIC,
OCT 7 1898
BUREAU.

No. 188.

2D ASSISTANT SECRETARY,
To Navy Dept for Hydrographic Office.
So ack. OCT 6 1898

LEGATION OF THE UNITED STATES,

INDEX BUREAU
REC'D
6 OCT 1898
DEPT. OF STATE

Tokyo, Japan, September 3, 1898.

Ackd, and copy of asph & original encls. sent left at Hydrographic Office Oct 8/98

Mr. Buck

to the Secretary of State.

Subject:

Notifications concerning navigation marks. Forwarding Copies of Notification No. 198.

No. 188.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 3, 1898.

To the Honorable William R. Day,

Secretary of State,

Washington.

Sir:

I have the honor to inform you that the Japanese Government has decided to discontinue the practice of inserting in some of the local newspapers Notifications in foreign language concerning the establishment of and changes in navigation marks in Japanese waters.

In future copies of the English translations of such Notifications by the Minister for Communications will be sent to the Legation from the Foreign Office, that I may forward to you copies for the information of the Government at Washington, and distribute copies among the United States Consular offices in Japan for the instruction of American navigators.

Accordingly, I have the honor to enclose herewith three copies, in English, of Notification No. 198 dated August 3rd, which I have just received, calling attention to changes at Soya-misaki Lighthouse, Hokkaido.

I have forwarded a number of copies to the Consul General at Yokohama for distribution among the Consular offices under his supervision.

I

I have the honor to be,

Sir,

Your obedient servant,

H. E. Quick

Enclosure:

Notification No.198, 3 copies, as above.

assume the duties
of my post of
Secretary of Legation
at Tokyo.

I have the honor to be,
Sir,
Your obedient servant
Joseph C. Grew

Filed under U.S. Legation to Japan
Lake Placid N.Y.,
August 31, 1898

Dip
Bureau of Accts will note
File
Sept 8.

INDEX BUREAU REC'D 8 SEP 1898 DEPT OF STATE

RECEIVED SEP 10 1898 BUREAU OF ACCOUNTS DEPT OF STATE

Honorable W. R. Day,
Secretary of State,
Washington.

File

Sir:-

I have the honor to inform you that I shall this day start upon my return trip to Japan

No. 189.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 6, 1898.



Rec'd Oct. 8/98

Mr. Buck

to the Secretary of State.

Subject:

Forwarding copies of correspondence in re complaint of Edward Lake because of refusal to permit placing of goods on board of his vessel the "Adventure".

No. 189.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 6, 1898.

To the Honorable William R. Day,

Secretary of State,

Washington.

Sir:

I have the honor to enclose herewith copies of a body of correspondence which passed between Mr. Harris, United States Consul at Nagasaki, and Lake & Co. (Edward Lake) of Nagasaki, and the Consul and the Commissioner of Customs at that port, together with a copy of the Consul's dispatch with which the correspondence came to me,—all relating to a complaint made by Mr. Lake that under the "Treaty and Regulations under which 'Americans' trade is to be conducted in Japan" he has the right to tranship to his vessel the "Adventure" certain goods, which has been denied him by the Customs officials at Nagasaki. I also enclose copy of my dispatch to Mr. Harris, setting forth my view of the case.

As the question is exhaustively treated in the enclosures herewith, from which all the facts are clear, I will not go into it further. I consider Mr. Lake's position untenable, as it does not appear that it was his intention to clear his vessel, but rather to make use of her as a storeship contrary to the spirit and intention of the Customs Regulations.

I have the honor to be,

Sir,

Your obedient servant,

H. E. Buck

Enclosures:

No.I. Copies of the correspondence forwarded by the Consul at Nagasaki with his dispatch of August 9th, 1898.

No.2. Copy—Mr. Buck to Mr. Harris, of date August 19th.

Enclosure No. 1 with Mr. Buck's No. 189 of date September 6th 1898.

(Copy)

No.202 Consulate of the United States of America,

Nagasaki, Japan, August 9, 1898.

His Excellency

Alfred E. Buck,

Envoy Extraordinary and Minister Plenipotentiary

of the United States of America,

Tokyo.

Sir:

I have the honor to inform you that at the request of Edward Lake, a citizen of the United States, I enclose herewith the correspondence had between Mr. Lake, the Japanese authorities, and myself in regard to the S.S."Adventure" owned by Edward Lake, for such action as you shall deem best to protect the interests of Mr.Lake.

Mr.Lake desires to use the S.S."Adventure" as a storage ship and also to tranship from her to other ships such cargo as he may wish. He claims and requests that he be allowed the same rights and privileges as are allowed by the Japanese authorities to other ships and ship owners. His claims and requests in this matter the Japanese authorities positively refuse to grant.

I have also the honor to call your attention to the following facts connected with the S.S."Adventure". The S.S. "Adventure" was formerly a Japanese vessel named the "Ito Maru" she was sold and transferred to Edward Lake by Umeya Kichiju, a Japanese subject, on the 9th of March 1893, the port of registry of such vessel was Nagasaki, official (Japanese) Number 123, Register tonnage 88 ½, 93 23/100 feet in length, 14 9/10 feet in breadth

breadth, built of wood and propelled by a single screw. The papers of said S.S."Adventure" were last deposited in this Consulate on the 24th day of January I896 and have remained here since that time. Such papers consist of the bill of sale from said Umeya Kichiju to said Lake and attached to said bill of sale is a certificate of W.H.Abercrombie, then Consul of the United States at this port, that the sale of said vessel "has "been proved satisfactorily to me to have been duly executed "by the subscribing party",on the back of such certificate is another certificate by Consul Abercrombie, that on the 9th day of March I893 the name of said vessel was"changed from that of "Ito Maru' to 'Adventure". With such papers there are two certificates from U.S.Consul at Chefoo, China, one dated 23rd April I895, and on the 8th day of May I895 given to Master of the S.S."Adventure" on deposit of ship papers, also certificate from Consul Abercrombie of 25th May I895, that said vessel had exhibited to him the clearance of s aid steamer and that he had delivered to the Master of said vessel the Register and paper of said steamer and that the vessel was built at Nagasaki and is owned by an American citizen named Edward Lake, Bill of sale recorded in the office signed W.H.Abercrombie, U.S. Consul; also deposited with such bill of sale and certificate are receipt for tonnage dues, one paid I8th of April I895 at Jeuchuan and one from Chefoo dated 26th April I895, and a receipt from S.R.de Sonza for U.S.Consul at this port for 89 cts, gold, tonnage dues. No other papers belonging to said vessel are in this office.

I

I have the honor to be,

Sir,

Your obedient servant,

(Signed) Charles B. Harris,

U.S.Consul.

Enclosures:

No.I.Letter from Lake &Co. to C.B.Harris.

No.2. " " C.B.Harris to Lake & Co.

No.3. " " Lake & Co. to C.B.Harris.

No.4. " " C.B.Harris to Lake & Co.

No.5. " " do. to F. Noda.

No.6. " " F. Noda to C.B.Harris.

No.7. " " C.B.Harris to Lake & Co.

No.8. " " Edward Lake to C.B.Harris.

(Copy)

Nagasaki, May 10th, 1898.

Charles B. Harris, Esq.,

United States Consul,

Nagasaki,

Sir:

On the 9th instant we applied to the Japanese Custom House at Megasaki for permission to ship on board the S.S."Adventure" 300 sacks of American flour, the Customs authorities refuse to grant permission to ship any cargo on said vessel, and have repeated their refusal again this day without giving any just reason for so doing.

The "Adventure" we believe is entitled to the same privilege as any other vessel entering this port and has the right to ship and discharge cargo as any other nation's vessel. Will you be so kind and enquire into this matter. We remain,

Very respectfully,

(Signed) Lake & Co.

(Cfz)

輸出願書
EXPORT ENTRY.

告知 一番一行ニ記入スベシ一行ニ内訳一ルヨリ五番ニ至ル二番一行以上ニ記入セル場合ハ受理セラレザルコトアリ

Note.—On account of want of space for the translations, Entries will not be received that contain more than one item in each of the lined spaces numbered 1 to 5.

— SUPERINTENDENT OF CUSTO

VESSEL S.S. "Adventure" FLAG U.S. of America TO Uncertain

横濱税關長貴下

Please grant Permit to Ship the undermentioned Goo

許免御積船間候仕出輸ヲニ船 國 候赴ニ ハ品物ルス載記ニ下

仕向塲 Ultimate Destination.	號番號記 Marks and Numbers.	箇數 Number of Package.	品物 CONTENTS.	量重 Weight.	Nu
Unknown	Wallu	300	Flour	15000 lbs.	

也候仕明證ニ茲ヲ依候仕立申不儀之欺詐切一他其論勿ハ價元通之面書

主願

We hereby certify that the above entry exhibits the actual value of the goods, and that nothing has been concealed whereby the Customs of Japan would be defrauded.

(Signed) Lake & Co.

元價計

摘要

Printed by the Yokohama Bunsha.

№

輸出願書番號（第.....號）　第.....號

Nagasaki, 9th May, 1898

~~Yokohama~~

MS.

APPLICANT Lake & Co.

ds.　　NATIONALITY U.S. of A.

日　月　年　治　明　　主　願　　候　願　奉

數 BER.	稅率	價元 VALUE	定價鑑 CUSTOMS APPRAISEMENT.	稅
		U.S.G. 289.00		

定額稅	分 圓	
從價稅		
計		

1	2	3

(Copy) No.128. Consulate of the United States,

Nagasaki, May 11th, 1898.

Messrs. Lake & Co.,

Nagasaki.

Gentlemen:

I am in receipt of yours of the 10th instant, notifying me that you have been refused by the Custom House authorities permission to load 300 sacks flour on the S.S."Adventure", and requesting me to make inquiries why you were refused such permission, you enclose application for Export Entry, showing that the flour was to be shipped to uncertain points. Yesterday morning I had a personal interview with the Commissioner of Customs, and he informed me that if the "Adventure" will clear the port, you will be allowed to load flour as you request, but before you are granted that permission you must state in your Export Entry application to what port the "Adventure" clears for.

I am, Gentlemen,

Your very truly,

(Signed) Charles B. Harris,

U.S.Consul.

(Copy)

Nagasaki, Japan, IIth May, I898.

Charles B. Harris, Esq.,

U.S.Consul,

Nagasaki.

Sir:

Today we have again applied to the Japanese Custom-House Officials for permission to place on board the United States merchant vessel "Adventure" 300 sacks of American flour.

The Custom House Officials refuse to grant permission or allow the flour placed on board of said vessel in any way either as storage from shipment or for export.

We remain,

Dear Sir,

Very respectfully,

(Signed) Lake & Co.

告知 一冊ニ付五冊ニ至ル一冊内ニ一ヶ所ニ限リ一ヶ所ニ付五行以上ノ記入ヲ要スル場合ハ別紙ニ記入スベシ

Note.—On account of want of space for the translations, Entries will not be received that contain more than one item in each of the lined spaces numbered 1 to 5.

輸出願書
EXPORT ENTRY.

SUPERINTENDENT OF CUSTOM

VESSEL Steam Vessel "Adventure" FLAG United States of America TO Chefoo and ports.

横濱税關長貴下

Please grant Permit to Ship the undermentioned Goods

本許免御積艙願候仕出輸ヲニ艙 國 候赴ニ ハ品物ルス載記ニ下

仕向地 Ultimate Destination.	記號番號 Marks and Numbers.	箇數 Number of Package.	品物 Contents.	重量 Weight.	數 Numb
Chefoo and ports	Wallie	300	Flour	15000.	

也候仕明證ニ茲ヲ依候立申不儀之欺詐切一他其論勿ハ價元通之面書

元價計

摘要

主願

We hereby certify that the above entry exhibits the actual value of the goods, and that nothing has been concealed whereby the Customs of Japan would be defrauded.

Lake & Co.

Printed by the Yokohama Bunsha.

No

輸出願書番號（第……號）　第……號

RY.

Nagasaki
~~Yokohama~~ May 10th 1898

CUSTOMS.

……APPLICANT Lake & Co.

tioned Goods.　　NATIONALITY……

請御免許奉願候　　願主　　明治　年　月　日

款 NUMBER.	税率	元價 VALUE.	鑑定價 CUSTOMS APPRAISEMENT.	税
		U.S.G. 289.00		

元價計		定額税	分	
摘		從價税	圍	
要		計		

1	2	3
		No 3

(Copy) No. I30. Consulate of the United States,

Nagasaki, May I2th, I898.

Messrs. Lake & Co.,

Nagasaki.

Gentlemen:

I am in receipt of your letter of yesterday, informing me that you had again, that day, applied to the Custom House officials for permission to place on board the S.S."Adventure" 3 300 sacks of flour, and that the officials refuse to grant you the permission requested, and you further state that the officials will not allow you to place the flour on board said vessel either for storage, export, or transhipment. You also enclose Export Entry application showing that you applied to ship such flour to Chefoo and ports.

I have, this day, written the Commissioner of Customs asking him to please be so kind as to advise me why it is that you are so refused permission to place on the "Adventure" the flour, also calling his attention to the fact that you had informed me that for three years last past, up to three months since, you had been allowed to use such vessel for storage purposes.

I will communicate with you further on receipt of an answer to my letter to the Commissioner of Customs.

I am, Gentlemen,

Yours very truly,

(Signed) Charles B. Harris,

U.S.Consul.

(Copy) No.I29. Consulate of the United States,

Nagasaki, May I2th, I898.

T. Noda, Esq.,

Commissioner of Customs,

Nagasaki.

Sir:

Sinse my interview with you yesterday in relation to the refusal of the Custom House officials to allow Lake & Co. to export 300 sacks of flour on the S.S."Adventure" on the I0th instant to uncertain ports, I have received from them under date of yesterday a letter informing me that they had again applied for permission to load said flour on the said vessel, and enclosing an Export Entry application, showing that the flour was to be shipped to Chefoo and ports, they state that they were again refused permission to place said flour on said vessel either for storage, export, or transhipment.

Lake & Co. further inform me that for three years last past and up to within three months of this date that they have been allowed by the Custom House officials to use the S.S. "Adventure" as a storage ship. Please be so kind as to advise me why it is that you at this time refuse to grant their request for the storage of the flour on board of that vessel, to there await transhipment to Chefoo and ports.

I have the honor to be,

Sir,

Your obedient servant,

(Signed) Charles B. Harris,

U.S.Consul.

(Copy) No.458. Imperial Customs, Nagasaki,

14th day, 5th month 31st year Me

Charles B. Harris, Esq.,

United States Consul,

Nagasaki.

Sir:

I have the honor to acknowledge the receipt of your letter dated 12th instant, requesting to know what is the reason of the refusal against the application produced by Messrs. Lake & Co. to ship 300 sacks of flour to the S.S."Adventure".

In reply to the above I beg to state you that if she will leave the port carrying the said goods, of course, I would not insist on refusing it just as told you when I had interview with you on the 11th, but I am unable to give the permit to load any goods in order to store on board the above vessel when she will not proceed to sea.

Once I thought that the "Adventure " herself will actually set sail for the exportation or transportation of the goods for a certain port, so I allowed to ship some goods at that time, but I have never allowed to use her as a storeship..

I have the honor to be,

Sir,

Your obedient servant,

(Signed) T. Noda,

Superintendent of Custom House, Nagasaki.

(Copy) No.I33. Consulate of the United States,

Nagasaki, May I6, I898.

Messrs. Lake & Co.,

Nagasaki.

Gentlemen:

I am in receipt of a letter from the Superintendent of Custom House, Nagasaki, in answer to my letter of the I2th instant, in reference to the refusal of the Custom authorities to allow you to ship 300 sacks of flour on the S.S."Adventure" for Chefoo and ports..

The Superintendent informs me that he will grant your application, provided the S.S."Adventure" clears the port and not otherwise. He also informs me that he is"unable to give "the permit to load any goods in order to store on board the "'Adventure' when she will not proceed to sea.

I am, Gentlemen,

Yours faithfully,

(Signed) Charles B. Harris,

U.S.Consul.

(Copy)

Nagasaki, 28th June, I898.

Charles B. Harris, Esq.,

United States Consul.

Sir:

I am in receipt of your esteemed letter dated I4th May referring to a letter addressed by you to the Superintendent of Customs af this port dated I2th ultimo, and his the Superintendent's reply, in which he states he will grant permission to ship 300 sacks flour on board the American steam vessel "Adventure", provided that vessel clears the port and not otherwise. May I ask how it is possible under the existing treaty to ship cargo (from ship cargo) on board an American vessel after said vessel has cleared port (cleared from Consulate and Customs). My impression is that such actions on my part would involve me in breaking the Customs regulations and existing treaty between United States and Japan whereas I would be subject to a fine of from I25 to I000 dollars. Such preposterous statement by Customs officials is rediculous and shameful on their part. The "Adventure" has been entered at the U.S.Consulate and at Customs according to treaty and Customs regulations and should be entitled to all privileges granted to vessels of the United States or any other nation, which has been denied to me and to my vessel.

The Customs authorities have granted permission to transship cargo from other vessels to "Adventure" and to ship cargo to and from "Adventure" as they do and have done for all national vessels.

As the Customs refused to grant permission to tranship

300

300 sacks of flour from "Empress of Japan" to "Adventure" or from Customs Sheds to "Adventure" which is duty free.

I applied for permission to tranship the 300 sacks of American flour to the Japanese steamer "Higo Maru" on the I3th of May and on the I4th May in the afternoon received permission to ship the flour to "Higo Maru".

Previous to receiving permission to ship the flour on the I4th ulto. to "Higo Maru" our employees put 220 sacks of the flour into our cargo boat, at the same time the Customs Authorities caused to be carted away to Bonded Warehouse 80 sacks of the 300 sacks, where it now lays in Bonded Warehouse at the risk and responsibility of the Japanese Government.

I further beg to call your attention as well as the Japanese Customs authorities to the fact that under Treaty the Japanese Customs authorities have the right to seal the hatch of vessels between sunset and sunrise, in the case of the S.S. "Adventure" they have sealed the hatches at sunset and have not removed the seals for days, without special request from me to do so, and are now sealed. I remain,

Sir,

Very respectfully

(Signed) Edward Lake.

Enclosure No. 2 with Mr. Buck's No. 189 of September 6, 1898
(Copy)

No. 140. LEGATION OF THE UNITED STATES,

Tokyo, Japan, August 19, 1898.

Charles B. Harris, Esquire,

United States Consul,

Nagasaki.

Sir,

Your despatch No. 202 of the 9th instant, with eight enclosures, has been received, from which it appears that Edward Lake complains to you of the action of the Japanese Customs officers at Nagasaki, in denying him a right and privilege as he claims, granted to him as a citizen of the United States by virtue of the existing treaty with Japan and the regulations of trade thereunder.

In the letter of Mr. Lake of May 10th last, (your enclosure 1) it appears that he complains that the Japanese Customs officials, on May 9th, refused to grant him permission to transship to his vessel the "Adventure" for export 300 sacks of American flour, giving him no just reason therefor. Whereupon Mr. Lake claims that he is entitled to the privilege refused him and asks that you enquire into the matter, enclosing to you a copy of the export entry he had asked to be made, stating therein his vessel to be the S.S. Adventure" and giving her destination as "unknown".

From a copy of your letter in reply to Mr. Lake of May 11th (your enclosure 2) it appears that you informed Mr. Lake that you had seen the Commissioner of Customs, who had stated to you that if the "Adventure" would clear the port, he (Lake) would

would be allowed to load flour as requested; but before he could be granted that permission he must state in his export entry what port the vessel clears for.

Mr.Lake again addressed you on May II, (your enclosure 3) in which he informs you that he had, that day, again applied for permission to take on board the "Advebture" the 300 sacks of flour and again been refused. Attached to his letter is a copy of form of export entry filled out as before except that "Che-foo and ports" is inserted instead of "uncertain", as destination of the vessel. In consequence it appears that you on May I2th (your enclosure 5) addressed a note to the Commissioner of Customs setting out the facts of the second refusal as presented by Mr. Lake and asking the reason therefor. In reply the Commissioner under date of May I4th (your enclosure 6) informs you that "if she(Adventure) will leave the port carrying "the said goods of course I (he) would not insist on refusing "it, just as I (he) told you on the IIth; but I (he) am un-"able to give the permit to load any goods in order to store on "board the above vessel when she will not proceed to sea. "Once I (he) thought that the "Adventure" herself woud actual-"ly set sail for the exportation or transportation of the good "for a certain port; so I (he) allowed to ship some goods at "that time; but I (he) have never allowed to use her as a store-"ship."

On communicating the above to Mr.Lake, which you did on May I6th (your enclosure 7) he writes you on June 28th at length (your enclosure 8) and rehearses his complaints and asks "how is it possible, under existing treaties, to ship cargo "(from ship cargo) on board an American vessel after said vessel

"sel has cleared the port——cleared from Consulate and Customs" He claims that it would involve him in breaking the Customs Regulations and existing treaty between the two countries and that he would be subject to a heavy fine. He claims that the "Adventure" has been entered at the United States Consulate and Customs according to treaty and regulations and should be entitled to all privileges guaranteed to vessels of the United States or of other powers, which have been denied her. He further claims that the Customs authorities have heretofore granted permission to transship goods to and from the "Adven-"ture" from and to other ships, as they have also done for ships of other nations.

It appears from the record of the "Adventure" as given in your dispatch and enclosures that she is owned by Mr.Lake; that she has been lying in the harbor of Nagasaki continuously for some years past, and that Mr.Lake has used her "as a store-"ship and also to transship from her to other ships such cargo "as he may wish"; and that this vessel has unintentionally been allowed to be so used by the Customs authorities.

From the case as made up and submitted it appears,

First,-That Mr.Lake in claiming customs entry for the 300 sacks of flour to be put on board of the "Adventure" for "un-"certain" ports expressed no purpose of clearing his vessel but it is to be inferred on the contrary that he desired to store the flour on his vessel for such time as would suit his convenience to dispose of it.

Taking into consideration the fact that Mr.Lake had used his vessel for some years for starage purposes the Customs officers

officers had reason to suppose that in asking a permit or export entry for the flour to be put on board the "Adventure" for "uncertain" ports he intended to store it upon his vessel for such time as he desired, else he would have declared his purpose to clear his vessel and for some certain port, and the fact that he had previously used the "Adventure" as a storeship was no good reason to demand that he should continue to do so, if not in accord with Customs Regulations.

The Customs Regulations upon which it seems that Mr.Lake bases his claim, as a right guaranteed to him by treaty and regulations, as applying to his first application for export entry, provides that:

"Cargo may be transhipped to another vessel in the same "harbor without the payment of duty; but all such transhipmen "shall be made under the supervision of Japanese officers, and "after satisfactory proof has been given to the Customs House "Authorities of the bona fide nature of the transaction, and "also under permit to be granted for that purpose by such au- "authorities."

This Regulation, taken in connection with other paragraphs of the Regulations, is to be construed as meaning that a vessel entering a port with merchandise may tranship goods to another vessel about to depart for some other port without their going through the Customs House, as in such case the goods are supposed to be in continuous transportation and not intended for import at the port where transhipped. Otherwise whether the goods are subject to duty or not, by a vessel's becoming a storeship and thus evading the Regulations the Japanese Customs officials would be deprived of their right to warehouse

warehouse charges and in my opinion they were right in refusing Mr.Lake the export entry for the flour to be transhipped to his vessel for "uncertain" ports.

Second,-It appears that Mr.Lake, in making the second application for the export entry of the flour stated "Chefoo and "ports" as the destination of his vessel. From the reply of the Commissioner of the Customs to your note to him of May 12th it appears that if Mr.Lake should make it clear that the "Adventure" would clear the port, the permit would be granted; but it could not be granted to him ~~in order~~ to load any goods upon his vessel in order to store them.

While Mr.Lake's application names "Chefoo and ports," it does not appear that he gives any assurance to the Commissioner of Customs of his purpose to clear the port, but relies on his rights under the Regulations, as he assumes, to tranship his flour. The Commissioner of Customs, it seems, did not demand that Mr. Lake should actually clear the port as a condition precedent, but simply stated that he would grant permission to ship the flour on board the "Adventure" provided the vessel cleared the port, and Mr.lake's conclusion that he would have to violate the Regulations and subject himself to a fine, in order to comply with the requirements of the Customs officials, is not justified.

The fact that the "Adventure" had been lying in the harbor for some years and had been used as a storeship and that Mr.Lake had given no proof, as it seems, either by declaration to the Customs officials or by any notice by advertisement or otherwise that the vessel was about to clear the port for "Chefoo and ports", were sufficient to warrant them in witholding

witholding permission to ship the flour till it was made known that the vessel was actually to sail within a limited time. Hence I see no reason, in consideration of the present status of the case, for diplomatic interference. If Mr. Lake will give notice of his vessel to sail within a reasonable time and show that he is at once to procure clearance papers for the "Advehture" to leave for Chefoo , and then after such compliance, in good faith, with what I understand to be the requirement of the Commissioner of Customs, if he then should not be permitted by the Customs officials to ship the flour or the goods, then it may be proper for me to take some action for the protection of his rights under the "Treaty and Regulations "under which Americans' trade is to be conducted in Japan."

I am, Sir,

Your obedient servant,

(Signed) A.E. Buck.

DIPLOMATIC,

OCT 7 1898

BUREAU

No. 190.

2D ASSISTANT SECRETARY,
To navy Dept for its information.
So ack.
OCT 6 1898

INDEX BUREAU
REC'D
6 OCT 1898
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 6, 1898.

To Navy Oct. 7.

Mr. Buck

to the Secretary of State.

Subject:

Japanese Government 's conviction that they cannot permit docking of United States warships in their ports during armstice without breach of neutrality.

No. 190.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 6, 1898.

To the Honorable William R. Day,

Secretary of State,

Washington.

Sir:

I have the honor to inform you that on the 22nd ultimo I received the following telegram of that date from Mr. Harris, United States Consul at Nagasaki;-"Ascertain if Japanese Gov-"ernment will allow dock-yard company here to dock ships of "our fleet during armstice. Answer soon as possible."

From an interview had with the Vice Minister for Foreign Affairs it is clear that the Japanese Government are strongly convinced that, the present being an armstice and not definite peace, the relation of neutral and belligerent remains unchanged; and that therefore they could not without a breach of neutrality allow the docking of United States war vessels in a Japanese port.

Mr. Harris was accordingly on the 24th ultimo answered by wire in the negative. He has since informed me that his telegram to me was sent in view of a telegram to him from Admiral Dewey requesting him to ascertain whether ships of the fleet could be docked at Nagasaki during the armstice, and desiring a speedy reply.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

No. 191.



CONFIDENTIAL.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 6, 1898.

Rec'd Sept 28/98

Seen by the President

Copy to Judge Day Sept 28

Mr. Buck

to the Secretary of State.

Subject:

Mr. Buck's interview with Count Okuma on September 5th, when the latter expressed hope that the United States would hold the Philippine Islands;;also expressed satisfaction at settlement of Hawaiian immigration difficulty.

No. 191.

CONFIDENTIAL. Not to be given to press. ACTING SECRETARY.

Sept 27

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 6, 1898.

To the Honorable William R. Day,

Secretary of State,

Washington.

Sir:

Again referring to the attitude of Japan upon questions involving the future of the Philippine Islands, as stated in previous dispatches (Nos. 165 of July 6th and 182 of August 13th last respectively), I have the honor to inform you further that yesterday, in an interview which I had with Count Okuma, Minister President of State and for Foreign Affairs, he expressed the strong desire on the part of Japan that, in the interests of peace, commerce, and good government, the United States should hold and govern those islands. He deprecated their return to Spain, whose control would perpetuate their misrule of centuries past, or that they should be turned over to the insurgents, who, without the necessary experience and ability to govern, would be unable to sustain themselves and insure a good administration of affairs, and expressed an earnest desire that any disposition of the islands, other than that the United States should continue in control of them, should not finally be determined upon.

Count Okuma also stated, in substance, that, in event it should be determined finally by our Government not to retain the

the islands—considering their proximity to the territory of Japan and the interests in commerce and the peace of the East which she has in common with the United States and Great Britain—in the solution of the question of their future government, he indulged the hope that the immediate concern of Japan would not be overlooked; saying that he would be highly gratified and his country would be honored to be associated with the United States in the interest of good government in the East, as well as in the interests of commerce and peace.

I may add that during the interview Count Okuma took occasion to express his gratification and thanks for the kind offices of the United States in effecting a satisfactory compromise and settlement of the claim of Japan upon the Hawaiian Government growing out of the trouble over the Emmigrant incident.

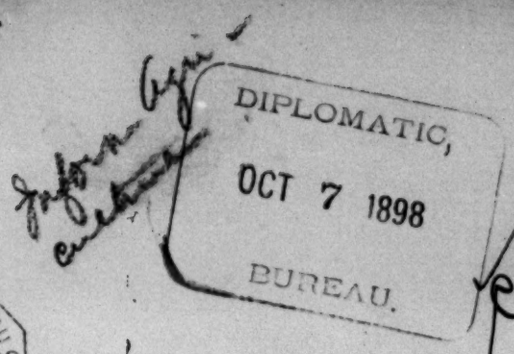
I have the honor to be,

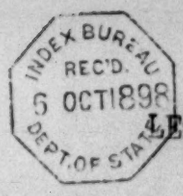
Sir,

Your obedient servant,

A. E. Buck

No. 192.





Report to Dispatch Oct. 8 1898

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 8, 1898.

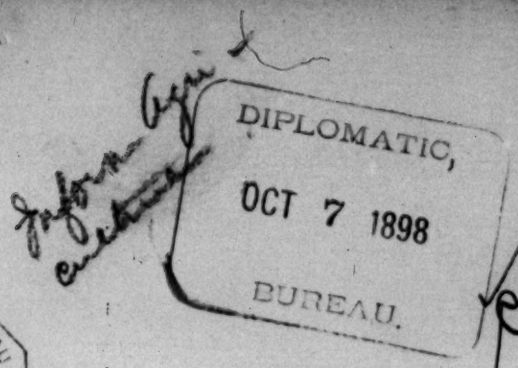
Mr. Buck

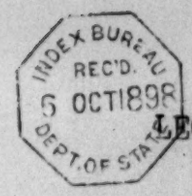
to the Secretary of State.

Subject:

Report on Agriculture, called for by Instruction No. 137, will be forwarded so soon as its translation is finished.

No. 192.





LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 8, 1898.

Mr. Buck

to the Secretary of State.

Subject:

Report on Agriculture, called for by Instruction No. 137, will be forwarded so soon as its translation is finished.

No. 192.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 8, 1898.

To the Honorable William R. Day,

Secretary of State,

Washington.

Sir:

I have the honor to acknowledge the receipt of your Instruction No.137 of date July 26th last, directing me to endeavor to obtain a copy of a report recently published by the Department of Agriculture and Commerce on the state of agriculture in Japan, and to send the same to the Department of State for transmission to the Secretary of Agriculture.

I learn from the Chief of the Agricultural Bureau in the Department of Agriculture and Commerce that the only report of that kind is contained in the Thirteenth Annual Report on Agriculture and Commerce, which is a voluminous work published last month, in the Japanese language.

A translation of the portion relating to agriculture is being made in the Legation, and will be forwarded so soon as it can be completed.

I have the honor to be,

Sir

Your obedient servant,

Alvey A. Adee

Printed in Advance Sheets, Oct. 11

2D ASSISTANT SECRETARY,
To Mr. Enson - who I think printed the Jap. Harbor Regs sent him in Ack accordingly - If printed send copies
OCT 6 1898

No. 193.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 10, 1898.

INDEX BUREAU
REC'D
5 OCT 1898
DEPT. OF STATE

To Treasury
Ackd
Oct. 11

Mr. Buck,

to the Secretary of State.

Subject:

Date of enforcement of new Harbor Regulations for open ports of Japan.

No. 193.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 10, 1898.

Honorable William R. Day,

Secretary of State,

Washington, D.C.-

Sir:

Referring to my despatch No. 170, of date July 15th last, enclosing translations of the new Harbor Regulations for the open ports of Japan, I have the honor to enclose herewith for your information copy of a Note from His Excellency, Count Okuma, H.I.J.M's Minister for Foreign Affairs, stating that it has been decided to enforce the new Regulations at the port of Yokohama from the 10th of October and at those of Kobe and Nagasaki from the 1st of November next.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

Enclosure:

Copy of Note, Count Okuma to Mr. Buck, of date Sept.8, 1898.

Copy.

With Mr. Buck's No.

Count Okuma to Mr. Buck, September 8, I898.

No. 32.

Department of Foreign Affairs,

Tokyo, September 8, I898.

His Excellency,

Mr. Buck,

etc., etc., etc.

Sir:

In reference to my note of the I3th July I have the honor to inform Your Excellency that the Harbor Regulations for the open ports have been decided to be enforced at the port of Yokohama from the I0th of October, and at those of Kobe and Nagasaki from the Ist of November next.

I avail myself etc., etc.

(Signed) Count OKUMA SHIGENOBU,

Minister for Foreign Affairs.

Printed in Advance Sheets, Oct. 11

2D ASSISTANT SECRETARY,
To Mr. Emory. Original
printed in Consular
To Treasury
Ack sending printed copies.
OCT 6 1898

Tariff law was Reports Sept. 1897.

No. 194

Legation of the United States
Tokyo, Japan. September 12. 1898.

INDEXED SERIAL
REC'D
OCT 1898
DEPT. OF STATE

To Treasury
Ackd
Oct. 11

Mr. Buck to the Secretary of State.

The Customs Tariff Law of Japan.

Announcement by H. I. J. M's. Minister of Foreign Affairs of the date when the new law will be put in force.

No. 194

Legation of the United States.
Tokyo. Japan. September 12. 1898.

Hon. William R. Day.
Secretary of State.
Washington D. C.

Sir!

Referring to the dispatch of my predecessor. No. 473. of date of April 12. 1897 enclosing a copy of the "Customs Tariff Law." passed by the then last session of the Diet; I have the honor to inform you that I have received a note from H. I. J. M's Minister of Foreign Affairs of date of the 10th. instant, in which he makes the following announcement;

"I have the honor to inform your Ex

"cellency that the Customs Tariff Law No.
"14 of the 30th year of Meiji has been deci-
"ded to be enforced throughout the whole
"Japanese dominions of the Empire from
"the first January next."

I have the honor to be
Sir
Your Obedient Servant
J. C. Brick

DIPLOMATIC BUREAU.

282.

DIPLOMATIC, SEP 17 1898 BUREAU.

TELEGRAM RECEIVED IN CIPHER.

2D ASSISTANT SECRETARY, Answd Sept 17. ada. SEP 17 1898

From Tokio, September 14, 1898.

Secretary Day,

Washington.

(confirm (write reply) ada ACTING SECRETARY. Dict ad Sept. 19.

KOMURA Minister of Foreign Affairs has been appointed the Japanese Minister to the United States.

B U C K.

ered by

, 189 , M.

DIPLOMATIC,
OCT 21 1898
BUREAU.

INDEX BUREAU
RECD.
2 OCT 1898
DEPT. OF STATE

2D ASSISTANT SECRETARY,
Ack with gratification.
Give to press.
OCT 21 1898

Oct. 22/98

NO. 195.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 15, 1898.

Mr. Buck,

to the Secretary of State.

Subject:

Appointment of Mr. Jutaro Komura as H.I.J.M's. Minister to the United States.

No. 195

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 15, 1898.

Honorable William R. Day,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to confirm my telegram to you of yesterday, the 14th instant, which read as follows:

" Komura, Vice-Minister of Foreign Affairs, has been " appointed the Japanese Minister to the United States."

Mr. Jutaro Komura was appointed on the 13th instant to succeed Mr. Hoshi Toru, and will leave for the United States about the 20th of October. Mr. Komura has had considerable experience in the Diplomatic service. From my personal and official intercourse with and knowledge of him, I regard his appointment a good one, both for Japan and the United States.

Mr. Komura was educated in the United States and his knowledge of the English language and our people will be of much advantage to him, as also to the State Department. I enclose a slip taken from the Japan Times of yesterday giving a sketch of his personal and political life.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

Enclosure: Clipping from Japan Times of September 14, 1898.

Enclosure with Mr Buck's No. 195.

THE NEW JAPANESE MINISTER TO AMERICA AND THE NEW VICE-MINISTER OF FOREIGN AFFAIRS.

As already mentioned by us, Mr. Jutaro Komura was appointed yesterday Minister to America in place of Mr. Toru Hoshi, while Dr. Kazuo Hatoyama became Mr. Komura's successor as Vice-Minister of Foreign Affairs.

The new Minister to America was born in Takanabe, Hyuga, about 1853. He was one of the students whom the lord of that fief sent as was similarly done by the other daymios in various parts of the country, to the Kaisei-Gakko, pioneer of the present Imperial Tokyo University, for study just prior to the surrender of the fiefs by all the feudal princes to the reinstated Imperial Government. But he did not remain in that institution to finish the course. He was dispatched to America in the capacity of official student, and studied law at Harvard, where in 1875 he took the degree of L. L B In 1882 he returned home and was at once attached to the Court of Appeal of Osaka, whence he was preferred next year to the Supreme Court. Two years later we find him in the Foreign Office as Secretary, and five years afterwards as Director of the Translation Bureau. Coming to 1894 he was transferred to the 1st Secretaryship of the Japanese Legation in China. That was the turning point in his official career. Events of ominous portent began to overtake Japan and China in quick succession, and more and more to strain the relations existing between the two countries. Mr. Otori, the then Japanese Minister to Peking, was obliged to return home, leaving the Legation in charge of Mr. Komura, to submit reports to the Home Government on the state of affairs. Thus from Nov. 1893 to Aug. 1 of next year, when the Declaration of War was simultaneously proclaimed by the two belligerents Mr. Komura had to undertake the delicate and most onerous task of taking charge of a Legation situated in the country which was making active preparations to wage war with Japan. During the war Mr. Komura held the post of Civil Governor of Antung, China, one of the districts occupied by the Japanese Army. The war over and having returned home, he was appointed Director of the Political Bureau of the Foreign Office, a post which by strange coincidence, was just vacated by Dr. Hatoyama. He did not remain long in this post, for we see him singled out for the office of Minister Resident to Korea in November, 1895. Once more he was placed in a post of considerable delicacy and one requiring tact and resolution. It was during his stay in Seoul that the Korean monarch secretly sought shelter in the Russian Legation and that the most terrible coup was put into practice by the faction hostile to the Government of the day. Premier Kim Hoing-chif was brutally murdered by the mob in the streets of the capital, while O Yung-chung (Gio Inchu), perhaps the ablest Minister of Finance Korea has had the last few years, was murdered while on his way home to his native district. The downfall of the Kim Cabinet was a death blow to the Progressive Party which was pro-Japanese in its policy. Suffice it to say that Mr. Komura acted with discretion during this troublous period, and at last succeeded in persuading the Russian Representative in Seoul and the royal refugee into leaving the Legation. In March, 1896, the subject of this sketch was promoted Minister Plenipotentiary accredited to Korea as before. Three months after he was recalled and appointed Vice-Minister of Foreign Affairs. We ought to mention here that it was by Mr. Komura that the scheme of the Seoul-Fusan railway as a Japanese enterprise was first mooted and inserted in the Japan-Korea Treaty.

We heartily welcome the choice of Mr. Komura as Mr. Hoshi's successor, confident as we are that he will be thoroughly equal to the task.

DIPLOMATIC,
OCT 21 1898
BUREAU.

INDEX BUREAU
REC'D
10CT1898
DEPT. OF STATE

NO. 196

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 17, 1898.

Mr: Buck,

to the Secretary of State.

Subject:

Acknowledging receipt of instruction confirming Department's telegram of August 12, and enclosing copies of President's proclamation suspending hostilities.

NO. 196.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 17, 1898.

Honorable William R. Day,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to acknowledge the receipt of your unnumbered instruction of date August 16, last, confirming the Department's telegram of the 12th ultimo, advising me of the signing of a protocol concluding the preliminaries of peace with Spain, and enclosing for my information two copies of the President's proclamation suspending hostilities thereunder.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

DIPLOMATIC,
OCT 21 1898
BUREAU.

NO. 197

INDEX BUREAU
REC'D.
21 OCT 1898
DEPT. OF STATE.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 17, 1898.

Mr. Buck,

to the Secretary of State.

Subject:

Acknowledging receipt of confidential instruction NO. 145 enclosing cipher code for use in telegrams to United States consuls in Japan.

NO. 197.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 17, 1898.

Honorable William R. Day,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to acknowledge the receipt of the Department's confidential instruction No. 145, of date the 16th ultimo, enclosing a cipher code intended for use in confidential telegraphic communications to the consuls of the United States in Japan.

The instructions therein contained as to the use and preservation of the said code will be carefully observed.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

DIPLOMATIC
OCT 21 1898
BUREAU.

NO. 198.

INDEX BUREAU
REC'D.
21 OCT 1898
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 20, 1898.

Mr. Buck,

to the Secretary of State.

Subject:

Confirming Department's telegram of date September 18, 1898.

NO. 198.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 20, 1898.

Honorable William R. Day,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to acknowledge the receipt of the Department's cipher telegram of date the 18th instant, which reads as follows:

" Buck, Minister, Tokyo.

" Mr. Komura's appointment notified by Japanese Legation " and accepted with pleasure.

" ADEE, Acting. "

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

DIPLOMATIC,
OCT 21 1898
BUREAU.

Sent to Treasy. Stated and Trans Oct. 22/98

NO. 199.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 20, 1898.

Mr. Buck,

to the Secretary of State.

Subject:

Transmitting copy of "List of Merchant Vessels of Japan" for 1898.

DIPLOMATIC,
OCT 21 1898
BUREAU.

Sent to Treasury Dept. and Navy Dept. Oct. 22/98

NO. 199.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 20, 1898.

Mr. Buck,

to the Secretary of State.

Subject:

Transmitting copy of "List of Merchant Vessels of Japan" for 1898.

NO. 199.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 20, 1898.

Honorable William R. Day,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to transmit herewith, under separate cover, a copy of the "List of Merchant Vessels of Japan" for 1898, published by the Department of Communications of the Japanese Government, and received from the Minister of that Department for transmission to my Government.

I have the honor to be,

Sir,

Your obedient servant,

A E Buck

File

UNITED STATES LEGATION.
TOKIO.

September 20, 1898.

INDEX BUREAU
REC'D.
OCT 1898
DEPARTMENT OF STATE

Dear Sir,

I beg to acknowledge the receipt of your letter of date August 15, last, enclosing a letter addressed by William Wardwell, President of the New York Red Cross, to His Majesty the Emperor of Japan, requesting His Majesty to send, at the expense of the Japanese Government, a detail of picked troops to participate in a Military Jubilee which the friends of Miss Clara Barton, President of the American National Red Cross, purpose to give in her honor in New York City from December 26, 1898, to January 7, 1899, which letter I am requested to convey to the Minister for Foreign Affairs of the Japanese Government in such informal manner and with such explanation as circumstances will permit.

In reply I beg to state that I will avail myself of the first opportunity to place the letter in the hands of the Minister of Foreign as requested .

Very respectfully yours,

Honorable William R. Day,
Secretary of State,
Washington, D.C.

DIPLOMATIC,
OCT 24 1898
BUREAU.

INDEX BUREAU
REC'D.
24 OCT 1898
DEPT OF STATE

NO. 201.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 23, 1898.

One copy of report herewith sent to Com. of Edu. One to Library of Congress, one to Dept Library.
Oct. 24/98 R.

Mr. Buck,

to the Secretary of State.

Subject:

Transmitting 3 copies of Educational Report for 1896.

NO. 201.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 23, 1898.

Honorable William R. Day,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to transmit herewith, under separate cover, three copies of the Twenty - Fourth Annual Report of the Minister of State for Education, for the year 1896, just issued by the Department of Education of the Japanese Government.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

DIPLOMATIC,

SEP 30 1898

BUREAU.

Received 9 o'clock A M.

Deciphered By

Wm. H. Michael, Chief Clerk.

9.35 o'clock A M

Copies delivered to

2D ASSISTANT SECRETARY,
Ans'd, Telegram 30th,
asking facts.
Confirm -
SEP 30 1898
ACTING SECRETARY

INDEX BUREAU
RECD
29 SEP 1898
DEPT. OF STATE

Telegram received in cipher

Tokio, Sept. 29, 1898

Received 4:35 A.M.

Conts Oct. 3.

Day,

Washington.

Is a Hawaiian citizen in Japan entitled to protection as now a citizen of the United States?

Buck.

DIPLOMATIC,
OCT 24 1898
BUREAU.

2D ASSISTANT SECRETARY,
Ack. by Number and File, awaiting report.
OCT 24 1898

NO. 202

INDEX BUREAU
REC'D.
24 OCT 1898
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 29, 1898.

Mr. Buck,

to the Secretary of State.

Subject:

Acknowledging receipt of Instruction NO. 146, relating to registration of trade-mark of New York Condensed Milk Co.

NO. 202

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 29, 1898.

Honorable William R. Day,

Secretary of State,

Washington, D.C.-

Sir;

I have the honor to acknowledge the receipt of your instruction NO. 146, of date the 25th ultimo, enclosing correspondence from the representative of the New York Condensed Milk Company, relating to the registration of their trademark in Japan, and directing me to report to the Department on the subject.

The result of my investigations and efforts in this matter will be communicated to the Department as soon as completed.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

DIPLOMATIC,
OCT 24 1898
BUREAU.

NO. 203.

INDEX BUREAU
REC'D.
24 OCT 1898
DEPT. OF STATE

Send duplicate of missing instructions

Answ Oct. 27 98

8/12
142
143 8/12

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 29, 1898.

Mr. Buck,

to the Secretary of State,

Subject:

Instructions Nos. 142 and 143 missing.

No. 203.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 29, 1898.

Honorable William R. Day,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to state that Instructions Nos. 142 and 143, of dates between August 6th and August 15th, last, have not been received by me. In case they have miscarried in the mails I beg to ask that I may be furnished with duplicates of the same.

I have the honor to be,

Sir,

Your obedient servant,

W. E. Buck

DIPLOMATIC,
OCT 24 1898
BUREAU.

INDEX BUREAU
REC'D.
24 OCT 1898
DEPT. OF STATE

2D ASSISTANT SECRETARY,
Ack. by Number and File
OCT 24 1898

NO. 204.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 29, 1898.

Mr. Buck,

to the Secretary of State.

Imperial Diet to be convoked on November 7th next.

NO. 204

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 29, 1898.

Honorable William R. Day,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to inform you that on yesterday, the 28th instant, an Imperial proclamation was issued ordering that the Imperial Diet be convoked on the 7th of November next.

I have the honor to be,

Sir,

Your obedient servant,

A E Buck

1

DIPLOMATIC,
OCT 24 1898
BUREAU.

2D ASSISTANT SECRETARY,
Ack + file awaiting particulars asked for.
OCT 24 1898

INDEX BUREAU
REC'D.
24 OCT 1898
DEPT. OF STATE

NO. 205.

Ans Dec 3/98

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 29, 1898.

Mr. Buck,

to the Secretary of State.

Subject:

Confirming telegram to the Department of date the 28th instant relating to protection of Hawaiian citizens.

NO. 205.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, September 29, 1898.

Honorable William R. Day,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to confirm herewith my telegram of yesterday's date, as follows:

" Day, Washington.-

" Is a Hawaiian citizen in Japan entitled to protection

" as now a citizen of the United States.

" BUCK. "

I considered it necessary to telegraph as above, in consequence of a despatch from our Consul General at Yokohama requesting "instructions as to whether or not the present status of such persons (Hawaiians) is such as to place them within " the jurisdiction of the United States Consular officers", application having been made to him for his official action in behalf of a Hawaiian citizen.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

DIPLOMATIC,
NOV 16 1898
BUREAU.
INDEX BUREAU
RECD.
16 NOV 1898
DEPT. OF STATE

No. 206.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, October 18, 1898.

Mr. Buck

to the Secretary of State.

Subject:

Dispatches Nos. 142 and 143, of date August 12th, received.

No. 206.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, October 18, 1898.

To the Honorable William R. Day,

Secretary of State,

Washington.

Sir:

I have the honor to inform you that Instructions Nos 142 and 143 of date August 12th last, the failure to arrive of which I mentioned in my Dispatch No. 203 of the 29th ultimo, thinking they might have miscarried in the mail, came to hand by the last pouch from the Department on the 5th instant.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

DIPLOMATIC,
NOV 28 1898
BUREAU.

NO. 207.

INDEX BUREAU
REC'D.
26 NOV 1898
DEPT. OF STATE

LEGATION OF THE UNITED STATES?

Tokyo, Japan, October 31, 1898.

Mr. Buck,

to the Secretary of State.

Subject:

Acknowledging receipt of instruction relating to Mr. Gerard Fowke.

No. 207

LEGATION OF THE UNITED STATES,

Tokyo, Japan, October 31, 1898.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge the receipt of your instruction No. 159, of date September 29, 1898, enclosing copy of a letter from the President of the American Museum of Natural History, and requesting me to use my good offices with the Japanese Government to obtain the courtesy of free entry for the scientific instruments belonging to Mr. Gerard Fowke who has been engaged in ethnological researches for the Museum.

Upon hearing from Mr. Fowke, I shall make the proper representations to the Japanese Government, as instructed.

I have the honor to be,

Sir,

Your obedient servant,

A. S. Buck

DIPLOMATIC,
NOV 28 1898
BUREAU.

No. 208.

INDEX BUREAU
REC'D
28NOV1898
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November I, I898.

Mr. Buck

to the Secretary of State.

Subject:

Acknowledging receipt of Instruction No.I55 of September I7th, enclosing Mr. Davidson's commission as Consul at Tamsui.

No. 208.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November I, I898.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to acknowledge the receipt of the Department's Instruction No.I55, of date September I7th, enclosing the commission of Mr. James W. Davidson, lately Consular Agent of the United States at Tamsui, Formosa, as Consul at that place.

I have applied for Mr. Davidson's exequatur and shall notify him of the result through the Consul General at Yokohama.

I have the honor to be,

Sir,

Your obedient servant,

E. H. Buck

DIPLOMATIC,
NOV 28 1898
BUREAU.

No. 209.

INDEX BUREAU
RECD.
NOV 1898
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November I, 1898.

Mr. Buck

to the Secretary of State.

Subject:

Acknowledging Instruction No. 157 of September 21st, notifying Mr. Key's appointment as Naval Attaché to this legation.

No. 209.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 1, 1898.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to acknowledge the receipt of Instruction No. 157, of date September 21st last, informing me of the appointment of Lieutenant Alfred L. Key, U.S.N., as Naval Attaché to this legation.

I have notified the Japanese Government of Mr. Key's appointment.

I have the honor to be,

Sir,

Your obedient servant,

A E Buck

DIPLOMATIC,
NOV 28 1898
BUREAU.

No. 210

INDEX BUREAU
REC'D.
26 NOV 1898
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 11, 1898.

Mr. Buck,

to the Secretary of State.

Subject:

Confirming Department's telegram introducing Mr. Scrymser to the Japanese authorities.

No. 210.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 1, 1898.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to append on overleaf the reading of your cipher telegram of the 24th instant, instructing me to introduce Mr. Scrymser to the Japanese authorities.

In making Mr. Scrymser known to the proper officials, I shall take care not to give his enterprise any official endorsement.

I have the honor to be,

Sir,

Your obedient servant,



(Over)

(Reading of Cipher Telegram.)

Washington, October 24, 1898.

Buck, Tokio.

You may give Mr. Scrymser a personal introduction to Japanese authorities as an American gentleman of high character without giving his business any official endorsement.

Hay.

DIPLOMATIC,
NOV 29 1898
BUREAU.

No. 211.

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RECD.
26NOV1898
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 4, 1898.

Dec 3/98

Mr. Buck

to the Secretary of State.

Subject:

Acknowledging Instruction No. 160, of date October 3rd, in re question of U.S. Consular jurisdiction over citizen of late Hawaiian Republic, in Japan.

NO. 211.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 4, 1898.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to acknowledge the receipt of your instruction No. 160, of date the 3rd ultimo confirming my telegram to the Department of date September 29, relative to the status of Hawaiian citizens in Japan, and the Department's telegraphic reply thereto of date September 30, reading as follows:

" Buck, Minister , Tokyo.

" Cannot answer without specific facts of the case of " Hawaiian in Japan".

" ADEE, Acting "

The Department's telegram above mentioned was not received by me, hence it could not be acknowledged sooner. In my despatch No. 205, of date the 29th September, relating to the same subject, the reasons for my telegram were set forth as fully as I had at that time been put in possession of them by our Consul General in Yokohama, who, as the result of a specific case brought before him, had raised the general question as to "whether or not the present status of such persons " (Hawaiians) is such as to place them within the jurisdiction " of the United States Consular officers".

On inquiry in accordance with the Department's instruction

tion under reply, I have since been furnished by the Consul General withfurther facts relating to the specific case underlying the general question, as follows: "this case is a claim " for about Yen 70 claimed by the Japan Gazette of this city " as being due to them from one Bambergar, who is classed as " a citizen of the late Hawaiian Republic, and in which I am " asked to assume judicial jurisdiction over Mr. Bambergar".

I may add that Honorable R.W.Irwin, former Minister Resident and Consul General of the Republic of Hawaii , had already presented his letter of recall to the Japanese Government at the time the question under consideration was raised.

I have the honor to be,

Sir,

Your obedient servant,

W. E. Pruck

DEC 20 1898
BUREAU.

Sent pamphlet to Agriculture 20 Dec

Forward to Dept. of Agr. Dec 21/98

NO. 212

INDEX BUREAU
REC'D.
19 DEC 1898
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 8, 1898.

Mr. Buck,

to the Secretary of State.

Subject:

Transmitting Agricultural Report.

See letter of July 19 from Agr.

NO. 212.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 8, 1898.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

In reply to the Department's instruction No. 137, of date July 26th last, requesting a copy of a report on the state of Agriculture in Japan, for the Secretary of Agriculture of the United States, I have the honor to forward herewith the translated copy of the last report of the Minister of State for Agriculture, referred to in my despatch No. 192 of September 8th, last.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

DIPLOMATIC,
DEC 16 1898
BUREAU.

No.213.

INDEX BUREAU
REC'D.
16 DEC 1898
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 8, 1898.

COPIED. FOREIGN RELATONS.

Mr. Buck

To the Secretary of State.

Subject:

Acknowledging receipt of No.161 of October 8th, approving opinion in Lake case.

No. 213.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 8, 1898.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to acknowledge the receipt of your Instruction No.161, of date the 8th ultimo, informing me of the Department's concurrence in my deeming justified the refusal of the customs authorities at Nagasaki to allow Mr. Lake, of Lake & Co. of that city, to use his vessel the "Adventure" as a store-ship, contrary to Customs and Warehouse Regulations, as set forth in my Dispatch No.189, of date the 6th September, and its enclosures.

To enable him to meet possible future protests from Mr. Lake, I shall communicate this ruling of the Department's to our Consul at Nagasaki.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

DIPLOMATIC
DEC 16 1898
BUREAU.

No.214.

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REC'D.
16 DEC 1898
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 8, 1898.

Mr. Buck

to the Secretary of State.

Subject:

Acknowledging receipt of Instruction No.163, of October 11th. Thanks have been conveyed to Dr. Tamatsuri, I.J.N.

No. 244.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 8, 1898.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to acknowledge the receipt of your Instruction No. 163, of date the IIth ultimo, enclosing copy of a communication from the Department of War in which is expressed high appreciation of and thanks for certain professional services rendered by Fleet Surgeon Doctor B. Tamatsuri, I.J.N, to our troops in Porto Rico.

I have conveyed to Dr. Tamatsuri through the usual channel the thanks of the Government of the United States.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

DIPLOMATIC,
DEC 16 1898
BUREAU.

No.275.

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REC'D.
16 DEC 1898
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 8, 1898.

Mr. Buck

To the Secretary of State.

Subject:

Acknowledging receipt of Instruction No. 164, of October 11th, with 3 copies each of Advance Sheets for August 19th and October 11th, respectively.

No. 215.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 8, 1898.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to acknowledge the receipt of your Instruction No. 164, of date the 11th ultimo, enclosing three copies each of the Advance Sheets of Consular Reports for October 11th, and for August 19th, giving the dates for the enforcement of the Harbor Regulations at Yokohama, Kobe, and Nagasaki, and the text of the said regulations, respectively.

I have the honor to be,

Sir,

Your obedient servant,

Alvey A. Adee

DIPLOMATIC,
DEC 16 1898
BUREAU

No. 216.

INDEX BUREAU
REC'D.
16 DEC 1898
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 8, 1898.

Mr. Buck

To the Secretary of State:

Subject:

Acknowledging No. 165 of October 11th, enclosing Advance Sheets of Consular Reports for October 11th, 3 copies.

No. 216.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 8, 1898.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to acknowledge the receipt of your Instruction No. 165, of date the 11th ultimo, enclosing three copies of the Advance Sheets of Consular Reports for October 11th, in which it is noted that the new customs tariff law will be enforced throughout the Japanese dominions from January 1st, 1899.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

DIPLOMATIC,
DEC 16 1898
BUREAU.

REC'D. A.
16 DEC 1898
DEPT. OF STATE

2D ASSISTANT SECRETARY,
Ackd by Subject & file
aab
DEC 16 1898

Dec 23 1898

NO. 217

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 8, 1898.

Mr. Buck,

to the Secretary of State.

Subject:

Dissolution of the Okuma - Itagaki Cabinet.

No. 217

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 8, 1898.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

Referring to my despatch No. 163 of date July 6, 1898, reporting the formation of a Cabinet under the leadership of Count Okuma and Count Itagaki, and to the amalgamation of their followers, the Progressionists and the Liberals, into one party under the name of the "Kenseito" or Constitutional Party, I have the honor to inform you that both Count Okuma and Count Itagaki and their colleagues have offered their resignations to the Emperor, which have been accepted by him, and the Kenseito dissolved, the component members returning to their respective parties.

The initial difficulty,- first voiced by Mr. Hoshi Toru, an influential Liberal - was one of patronage, Itagaki and his followers believing that Okuma as Prime Minister was discriminating in favor of the Progressionists in appointments to office while he (Okuma) was holding in addition to the premiership the portfolio of Foreign Affairs. The Liberals had for many weeks been urging the appointment of one of their members as Minister of Foreign Affairs and the refusal of the Premier to yield made it apparent that should a vacancy occur in the Cabinet which was not immediately filled by the appointment of a Liberal there would be a secession of that party

party from the government ranks.

The vacancy did occur, but not in a way so as to involve the union of the Progressionists and Liberals only, but, through the direct intervention of the Emperor, who, without consulting the Cabinet brought about the resignation of the Minister of Education, even the question of the success of constitutional government in Japan .

Mr. Ozaki, the Minister of Education, a man of marked ability and, considering the period of office enjoyed by him, one of the most successful holders of that office, in July last, in a public lecture upon the social conditions of Japan, in alluding to the growing power of wealth in this country , is said to have given voice to sentiments which might be construed as showing lack of appreciation of the perogatives of the Throne. The remark was only hypothetical and a fair interpretation, far from making it disrespectful to the Sovereign, would show that the speaker was condemning just those conditions that were destroying respect for real authority.

Be this as it may, industrious politicians and certain persons unfriendly to liberal principles distorted and magnified the statement until it reached the Emperor's ears with such details as to convince him that Mr. Ozaki was a person of republican principles.

The generally understood version of the culmination of the affair is that on the 22nd ultimo the Emperor, without consulting the Prime Minister, sent a special messenger to Mr. Ozaki demanding his resignation of the portfolio of Minister of Education, which demand was promptly complied with.

Had Count Okuma at this point offered his resignation on account of the lack of confidence which the Emperor reposed

in

in him and gone to the bar of public opinion with the question between his Sovereign and himself, the right of the Emperor to dismiss a government enjoying the confidence of the country would have been the point at issue. In Japan, however, where the Emperor occupies a position so exalted, such a course on the part of Okuma would have been looked upon as disrespectful and whatever may have been Count Okuma's wishes he was compelled to continue in office.

To choose a successor to Mr. Ozaki a Cabinet meeting was called at which Itagaki and his colleagues suggested the name of one of their party and insisted upon his selection. Count Okuma proved inflexible and maintained the principle that a Progressionist should succeed a Progressionist and that Mr. Inukai, the man selected by him and considered by him to be the most fitting, should be chosen. It being impossible to break the deadlock by an appeal to the independent members of the Cabinet,- the Ministers of War and Marine- , Count Okuma hastened to the Palace, laid the name of Mr. Inukai before the Emperor, and secured his appointment. In half an hour after this was accomplished, Count Itagaki was received in audience, and offered remonstances to Mr. Inukai's appointment and on hearing that it had been accomplished, offered his resignation. His action was immediately followed by his Liberal colleagues, the Ministers of Finance and of Communications, on the 24th ultimo.

Count Okuma then sought from the Emperor permission to form a new Cabinet, or to fill the vacancies in the one then existing. This being refused, he, with the Ministers of Education, Agriculture and Commerce, and Justice, tendered his resignation

resignation, leaving only the Ministers of War and Marine (Katsura and Saigo) who are independent of politics, as the survivors of the famous coalition party cabinet.

While the resignations as set forth above have been accepted, those tendering them will continue to discharge the duties of their respective offices until a new Government is installed.

Since the downfall of the Ministry politics have been in a turmoil and speculations as to the future are rife. Marquis Ito has been telegraphed to at Shanghai by the Emperor as well as by Count Okuma and Count Itagaki with urgent requests to return from China without delay. He is already at Nagasaki and his arrival in Tokyo is looked forward to with great interest. It was thought that the power of organizing a new Cabinet would be placed in his hands; but, whether through Marquis Ito's unwillingness to serve or through the chaotic condition of affairs of the Government , the Emperor deemed it advisable on the 5th instant to entrust the organizing of a new Cabinet to Marquis Yamagata.

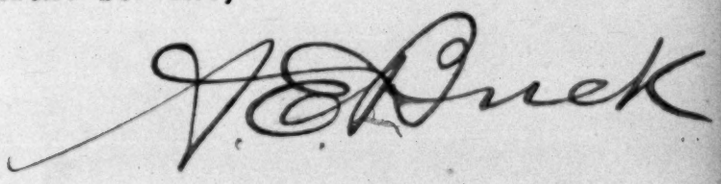
In view of Marquis Yamagata's oft expressed views in hostility to constitutional Government it is felt that he will attempt the organization of the Cabinet wholly independent of politics or of political parties . In so doing he will undoubtedly incur the hostility of the Diet and resort to dissolution of that body in case any of his measures are opposed. The result will be that unless with the consent of the Emperor he resorts to the extreme of suspension of the Constitution his Cabinet will not be able to survive beyond one dissolution and a re-election of the members of the lower house. In case Yamagata and his Cabinet should be defeated by the Diet the country

country must again return to party government. To secure this end there is a need of real statesmen as leaders and under the present circumstances the services of Marquis Ito and Count Okuma are most of all required; for without leaders the parties, so-called- will remain nothing more than factions, which by their actions are lending strength to that portion of the community which favors the suspension of the Constitution.

I have the honor to be,

Sir,

Your obedient servant,



DIPLOMATIC,
DEC 16 1898
BUREAU.

2D ASSISTANT SECRETARY,
~~Ack~~ & file. aaa
DEC 16 1898

No. 218.

INDEX BUREAU
REC'D.
16 DEC 1898
DEPT OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 8, 1898.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to inform you that at the meeting of the Lower House of the Diet on the 7th instant, the representatives of the Liberal Party were successful in securing the election of their candidates for President and Vice President of the House.

The elections were exceedingly close; in that for President thee Liberals showed a majority over the Progressionists of 12 votes out of a total of 295. In the election of the Vice President they showed a majority of one vote only.

I have the honor to be,

Sir,

Your obedient servant,

W. W. Buck

No. 219.

DIPLOMATIC,
DEC 20 1898
BUREAU.

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REC'D.
19DEC1898
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 21, 1898.

Mr. Buck

to the Secretary of State.

Subject:

The Yamagata Cabinet gazetted on the 18th November and the political situation.

No. 219.

LEGATION OF THE UNITED STATES,
Tokyo, Japan, November 21, 1898.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

Referring to my Dispatch No. 217, of date the 8th instant, in which I had the honor to call attention to the rupture of the league of Liberals and Progressives called Kenseito, the consequent resignation of the Okuma-Itagaki Cabinet, and the selection of Marquis Yamagata by the Emperor for the task of organizing a new cabinet, I have the honor to inform you that the appointments to portfolios in the new cabinet were officially gazetted on the evening of the 8th instant, as follows:

Prime Minister	Marquis Yamagata.
Home Affairs	Marquis Saigo
Foreign Affairs	Viscount Aoki
Finance	Count Matsukata
War	Viscount Katsura
Navy	Rear-Admiral Yamamoto
Justice	Mr. Kioura
Education	Viscount Kabayama
Communications	Viscount Yoshikawa
Agriculture and Commerce	Mr. Sone.

This

This cabinet is, as anticipated in the dispatch above referred to, formed independently of party considerations. Its members are men of great experience and of proved ability, but men who have held aloof from political parties up to the present. Thus the question at once presents itself:- How will such a cabinet deal with the Diet?

The finances of Japan are in urgent need of adjustment; so that important legislation is necessary. Count Matsukata, as Minister for Finance, is likely to introduce a Bill for the Increase of the Land Tax such as the one framed by him when he formerly held the same portfolio, and perhaps a Bill for Increasing the Sake Tax, and other important measures very necessary for providing revenue.

Unless support in the Diet is somehow obtained, legislation will be blocked. To avoid this an arrangement between the Cabinet and the Liberals, who have a slight majority in the Diet, is now thought likely. It is rumored that the support of the Liberals may be got by promises that several cabinet positions will afterwards be yeilded them.

The only constitutional alternative by which legislation could be speedily accomplished would be for the Cabinet to ignore the Diet and legislate by Urgency Imperial Ordinances, seeking post facto approval afterwards in another session.

Altogether the condition is problematical. Only by one of these alternatives, it appears, can this Cabinet enjoy even a brief period of usefulness. The doubtful issue of a fresh appeal to the people by reelection of the Lower House may be tried, but it involves much delay without insuring success.

I have the honor to be,
Sir
Your obedient servant,



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I have the honor to be,
Sir
Your obedient servant,



No. 220.

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REC'D.
22 DEC 1898
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 28, 1898.

DIPLOMATIC
DEC 24 1898
BUREAU

Ans Dec. 30/98 C

Mr. Buck

to the Secretary of State.

Subject:

Enclosing three copies of Mr. Buck's Notification of Thanksgiving Day---suggestion that Legation be notified of date set each year.

No. 220.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 28, 1908.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to enclose herewith three copies of a Notification which I had printed for the purpose of calling the attention of American citizens resident in Japan to the President's Proclamation designating the fourth Thursday in November (the 24th instant) for a day of National Thanksgiving and recommending the observance by of the day by them accordingly.

Copies of this Notification were distributed amongst the various American communities through the Consulates and, in isolated places, through individuals.

Thanksgiving Day was most widely celebrated, with appropriate church services etc., and I feel sure that Americans in Japan were much gratified to join with their fellow citizens at home in giving thanks for the blessings upon our country.

Ordinarily, the day set apart for Thanksgiving is not known here promptly enough to admit of its celebration. I was this year enabled to notify the Proclamation through having arranged for a telegram from a friend, giving the date etc. In view of the heartiness and evident satisfaction with which the day was observed here, I have the honor to suggest that,

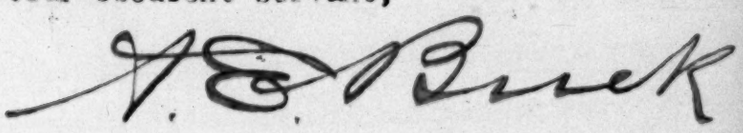
if

if it meets your approval, ~~that~~ the date set by the President be made known to the Legation each year long enough in advance so the the observance of Thanksgiving Day may be customary among Americans in Japan, as it is their evident wish that it should be.

I have the honor to be,

Sir,

Your obedient servant,



Enclosure:

Notification of Thanksgiving Day three copies.

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16FEB '99
DEPT. OF STATE

IN PURSUANCE of a time honored custom, the President of the United States by proclamation having set apart the 4th Thursday of November (the 24th instant), to be observed as a day of National Thanksgiving and Prayer, calling upon the people in an appropriate manner, in their homes and respective places of worship, to give thanks to Almighty God for the blessings and measure of prosperity which He, in His merciful providence, has vouchsafed to them, individually and as a nation,

I HEREBY RECOMMEND, that the citizens of the United States in Japan observe that day in like manner.

ALFRED E. BUCK.

United States Minister.

United States Legation,

Tokyo, November 10, 1898.

Enclosure with Mr. Buck's No. 220, of date November 28th, 1898.

DIPLOMATIC,
JAN 3 1899
BUREAU.

No. 8

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REC'D.
22 DEC 1898
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 28, 1898.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir,

In compliance with the Department's circular instruction of date September 27th, last, I have the honor to enclose herewith a "furniture schedule" showing the furniture and equipment of this office, together with a supplementary schedule of recent additions to the same, showing the date and cost of purchase, duly certified by me as correct.

I have not included in this statement a list of the books in the library of the Legation as that did not seem to be called for by the instruction under reply.

I have the honor to be,

Sir,

Your obedient servant,

W. E. Buck

Enclosure:

Certified schedules of the furniture and equipment of Legation, offices and residence.

SCHEDULE OFFICE FURNITURE,

United States Legation Tokyo, Japan,

July I, I898.

-o-o-o-o-o-o-o-o-o-o-o-

4 Writing Desks
I Type-writer Desk
I Sofa
3 Revolving Desk Chairs
2 Office Bureaux
I Case for Records
3 Sets Curtains, Minister's Office
I Wash Stand
I Remington Type-writer
I Hammond Type-writer
2 Copy Presses
3 Wall Maps and 3 Sectional Maps of Japan
I Small Mirror
I Wall Map of the United States
2 Stoves
3 Letter Scales
2 Office Wax Seals
I Large Legation Seal, with Press attached
2 Paper Punches
I Iron Safe
Inkstands, Erasers etc., and Stationery
I Coat of Arms
I Large National Ensign, I medium and I storm Flag
Department Mail Pouches, Keys, etc.
I Seal and Leads for Mail Pouch
I Office Carpet and I Rug
I Book Case
8 Sets of Book Shelves
I Round Paper Stand
I Table
I Cabinet for Forms

The above were received from Mr. Dun, by transfer, on July 3rd, I897.

Supplementary Office Schedule.

I Writing Desk, from Kinoshita, July, I897, cost $2I.5I
Awnings, Office Windows, from Tanabe, August I897, cost $8.20
Standing Desk, from Iwamoto Shoten, October I897, cost $8.9[illegible]
Office Desk, transferred by Col. Rice, May I898.

I hereby certify that the foregoing inventory includes and describes all the office furniture of this Legation.

J. G. Brooks

United States Minister.

Tokyo, Japan, November 28, I898.

SCHEDULE OF FURNITURE IN RESIDENCE

PORTION OF THE UNITED STATES LEGATION, TOKYO.

July I, I898.

-o-o-o-o-o-o-o-o-o-o-o-

Dining Room

20 Keyaki Chairs, Leather-covered
I Keyaki Extension Table, 4'6 ft by 2o ft
I Keyaki Sideboard
2 Keyaki Dinner Wagons
4 Sets Curtains
4 White Hollands
I Set Fire Irons
I Wooden Coal Scuttle

Drawing Room I

I Settee, upholstered
4 Easy Chairs
4 " "
I Percival 3 seated Ottoman
I Oblong Console Table
5 White Hollands
5 Sets Curtains
I Set Fire Irons
I Coal Scuttle

Drawing Room II

I Settee
4 Easy Chairs
4 " "
I Percival 3 seated Ottoman
2 Fancy Tables in Cherry
2 Foot Stools
2 Sets of Curtains
2 White Hollands
I Set of Fire Irons
I Coal Scuttle

Library

I Keyaki Table
I Keyaki Bookcase
2 Easy Chairs
2 Arm Chairs
5 Sets of Curtains
5 White Hollands
I Set of Fire Irons
I Coal Scuttle
4 Keyaki Chairs, upholstered in Silk

Hall

I Keyaki Hatrack
I Doormat
I Footscraper

Note:- Brussels carpets on all rooms heretofore mentioned.

Bed Rooms

4 Keyaki Bedsteads
3 do do (small)
7 Patent Women Wire Mattresses
7 Horse-hair Mattresses
4 Toilet Tables
7 Wash stands
2 Davenports with Plush
I4 Feather Pillows

Note:- The foregoing were received from Mr. Dun by transfer on July 3, I897.

Supplementary Residence Schedule.

I Large Hall Stove,	purchased of	Mr. Dun, July 7, '97,	$47.80
Electric Light Fixtures	do	do do do do do	$ 9.08
"Excelsior" Lawn Mower etc,		Lane & Crawford, June I7,9	I9.05
Water Tank,		Murayama Takezo, July I, '98,	$2I.9I
Awnings		Tanabe Shoten August 4, '98,	$I0.2I

I hereby certify that the foregoing inventory includes and describes all the furniture in the Residence Portion of this Legation.

E. Buck

United States Minister.

Tokyo, Japan, November 28, I898.

DIPLOMATIC,
DEC 27 1898
BUREAU.

ASSISTANT SECRETARY
DEC 24 1898
DEPARTMENT OF STATE.

No. 221.

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REC'D.
22 DEC 1898
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 28, 1898.

Jan. 10/99

Mr. Buck

to the Secretary of State.

Subject:

Aggreement between leaders of Liberal Party and the Cabinet.

No. 221.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, November 28, 1898.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

Referring to my Dispatch No. 219, of date the 21st instant, on the subject of the entry upon office of the Yamagata Cabinet, the political situation, and the probability of an arrangement for cooperation in the Diet between the Cabinet and the Liberal Party, I have the honor to inform you that it is asserted today upon apparently good authority that such an arrangement has been reached—to the extent that the leaders of the Liberal Party have agreed to join cause with the Cabinet upon the following basis:—(1st) That the Cabinet announce itself to be not an independent cabinet. (2nd) That they adopt the policy of the Liberal Party. (3rd) That they share in common the fortunes of the Liberal Party.

It is likely that the Diet will be formally opened within a day or two as a result of this understanding, and that the policy of the Government will soon after be outlined. In general the platform of the Liberals has comprised above all the insistance upon party governments. Their attitude towards the increase of the land tax has been to demand that such increase be accompanied by reassessment of the taxable value of land.

I

I have the honor to be,

Sir,

Your obedient servant,

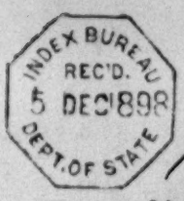
N. E. Buck

DIPLOMATIC,
DEC 5 1898
BUREAU

TELEGRAM RECEIVED IN CIPHER.

From Tokio, Dec. 5, 1898.

Received 4.35 A.M.



Hay,

Washington.

Notes of Visit 95
Tokio
Dec. 6.

Owing to my father's serious illness request leave of absence to return to United States. Reply by telegram. Wilson approve.

Buck.

Entered by Chief Clerk

Dec. 5— , 1898, 9 A.M.

DIPLOMATIC,
JAN 4 1899
BUREAU.

No. 222.

2D ASSISTANT SECRETARY,
Duplicate enclosures to Treasury for information
Ack & file
JAN 3 1899

INDEX BUREAU
REC'D
3 JAN 1899
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 8, 1898.

Acknd
Jan 6/99

Mr. Buck

to the Secretary of State

Subject :—Enclosing clippings from the Japan Mail, on the introduction of foreign capital and the effect of gold standar in Japan.

No. 222.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 8, 1898.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to enclose herewith, as perhaps of interest to you, a clipping in duplicate from the Japan Mail of the 20th [23rd?] ultimo, giving conclusions of the High Agricultural, Commercial, and Industrial Council on the subjects of the introduction of foreign capital, and the effects of Japan's having adopted the gold standard.

This council is a deliberative body the members of which are appointed by the Emperor. These conclusions are comprised in their answers to a list of questions submitted to them lately by the Minister for Agriculture and Commerce, under whose supervision they work.

It is noteworthy that they advocate the facilitation of the introduction of foreign capital by the repeal of such laws as hinder it; and that they believe in the wisdom of Japan's having adopted the gold standard, as being favorable to her foreign commerce, as well as not having of itself raised the prices of staple commodities at home nor interfered with the carrying out of contracts.

I have the honor to be,

Sir,

Your obedient servant,

Enclosures:—Clipping from Japan Mail.

W. E. Dunn

DIPLOMATIC,
JAN 4 1899
BUREAU.

No. 223.

2D ASSISTANT SECRETARY,
Ack & file
aab
JAN 3 1899

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DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 8, 1898.

Jan 1, 1899

Mr. Buck

to the Secretary of State.

Subject:

The opening of the Thirteenth Japanese Diet.

No. 223.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 8, 1898.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to inform you that the Thirteenth Imperial Diet was formally opened on the 3rd instant. In the absence of the Emperor, whose indisposition at the time prevented him from performing the ceremony in person, the Prime Minister read the Imperial Address, in which His Majesty touched upon the increasingly amicable relations with the various Treaty Powers, expressed the hope that all classes would cooperate for the success of the impending operation of the Revised Treaties, and charged the members earnestly to work together for the placing of the national finances on a sound footing, in deliberating upon the projects to be submitted by the Cabinet.

On the 5th instant the Diet held its first regular sessin when the Liberal Constitutional Party succeeded in securing the election of their candidate as Chairman of the Committee of the Whole, which gives them the three chief offices in the House, the Presidency and Vice Presidency having been already secured, as per my Dispatch No.218, of the 8th ultimo.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

DIPLOMATIC,
JAN 4 1899
BUREAU.

No. 224.

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JAN 18
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 9, 1898.

Mr. Buck

to the Secretary of State.

Subject:

Confirming telegrams about Mr. Wilson's leave of absence.

No. 224.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 9, 1898.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to append on the overleaf readings of (Ist) my cipher telegram of date the 5th instant, intended to be read as an application by Mr. Wilson, Second Secretary of this Legation, for leave of absence to return to the United States, with the statement of my approval subjoined; (2nd) you cipher telegram of the same date in reply, showing that the latter was understood otherwise; (3rd) my telegram sent on the 8th instant, requesting leave for Mr. Wilson; and (4th) your telegraphic reply granting such leave.

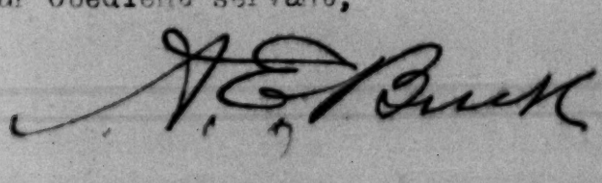
Leave of absence was requested for Mr. Wilson owing to news he had received of the severe illness of his father. He will sail for San Francisco by the steamship "Doric" leaving Yokohama on the 20th instant.

The two telegrams herein confirmed sent from this Legation were paid for by Mr. Wilson personally.

I have the honor to be,

Sir,

Your obedient servant,



(over)

(1st) Tokyo, December 5th, 1898.

"Hay, Washington:

"Owing to my father's serious illness request leave of "absence to return to United States. Reply by telegraph.

"Wilson.

"Approve.

"Buck."

(2nd) Washington, December 5th, 1898.

"Buck, Minister, Tokio:

"Leave of absence is granted. Wilson Charge d'Affaires "while Herod absent.

"Hay."

(3rd) Tokyo, December 8th, 1898.

"Hay, Washington:

"You appear to have misunderstood previous telegram. "Herod has returned. Leave of absence for Wilson applied fo

"Buck."

(4th) Washington, December 8th, 1898

"Buck, Minister, Tokio:

"Wilson granted leave.

"Hay."

(1st) Tokyo, December 5th, 1898.

"Hay, Washington:
"Owing to my father's serious illness request leave of
"absence to return to United States. Reply by telegraph.
"Wilson.

"Approve.
"Buck."

(2nd) Washington, December 5th, 1898.

"Buck, Minister, Tokio:
"Leave of absence is granted. Wilson Chargé d'Affaires
"while Herod absent.
"Hay."

(3rd) Tokyo, December 8th, 1898.

"Hay, Washington:
"You appear to have misunderstood previous telegram.
"Herod has returned. Leave of absence for Wilson applied fo
"Buck."

(4th) Washington, December 8th, 1898

"Buck, Minister, Tokio:
"Wilson granted leave.
"Hay."

DIPLOMATIC,
JAN 4 1899
BUREAU.

No. 225.

Jan 10/99

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DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 9, 1898.

Mr. Buck

to the Secretary of State.

Subject:

Officially reporting Mr. Herod's return to Tokyo.

No. 225.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 9, 1898.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to inform you that Mr. Herod, First Secretary of this Legation, returned to Tokyo and resumed his duties on October 6th last.

I regret that the official reporting of the fact had been overlooked.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

DIPLOMATIC,
JAN 4 1899
BUREAU.

No. 226.

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3 JAN 1899
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 9, 1898.

Mr. Buck

to the Secretary of State.

Subject:

Acknowledging the receipt of the Department's Instruction No. 171, of the 2nd ultimo, enclosing copies of letters from the Minister to Korea and the Postmaster General.

No. 226

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 9, 1898.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to acknowledge the receipt of your Instruction No. 171 of date the 2nd ultimo, enclosing copies of a letter from our Minister to Korea dated May 5th and from the Postmaster General dated October 25th, 1898, from which correspondence it appears that the Japanese Government consider themselves unable at present to arrange for the exchange of closed diplomatic pouches between the Department of State and the Legation at Seoul.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

DIPLOMATIC,
JAN 4 1899
BUREAU

No. 227.

Japan
Navy

Army and Navy
Jan 5/99

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DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 9, 1898.

Mr. Buck

to the Secretary of State.

Subject:

Reporting the arrival at his post of Lieutenant Key, Naval Attaché to this Legation,

No. 227.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 9, 1898.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to inform you that Lieutenant A.L.Key, Naval Attache to this Legation and to the Legation in Peking, arrived here on the 8th ultimo and immediately entered upon the duties of his post, which fact was on that day made known to the Japanese Government.

I have the honor to be,

Sir,

Your obedient servant,

E. E. Buck

DIPLOMATIC,
JAN 4 1899
BUREAU.

DIPLOMATIC,
JAN 4 1899
BUREAU.

o. 228.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 9th, 1898.

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2D ASSISTANT SECRETARY,
To Francis Forbes, New York,
in response to his letter of Aug. 20. 1898.
Copy this, with Dept's 146, to Interior Dept,
for its information
JAN 4 1899

So acknowledge. ADB.

To Francis Forbes
N. Y. Repr. and
Acted Jan. 17/99

Mr. Buck

To the Secretary of State.

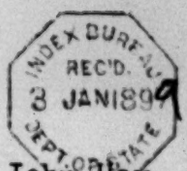
Subject:

The Eagle Brand Condensed Milk.

No. 228.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 9,1898



Honourable John Hay

Secretary of State,

Washington.

Sir:

Referring to the Department's Instruction No. 146, dated August 25th, 1898 upon the subject of the refusal of the Japanese Government to register the "Eagle Brand" mark of the New York Condensed Milk Company, I have the honor to inform you that, acting upon my instruction, Mr. Herod, the Secretary of Legation, at an interview with the Private Secretary of the Minister of Foreign Affairs, brought to that gentleman's attention the subject of complaintof the Condensed Milk Co. and, as requested, and at a later date --- November 7th,--- forwarded to the Foreign Office a copy of the Instruction under reply asking whether or not it was the intention of the Japanese Government to modify the Trade Mark regulations so as to allow the registration of trade marks which had been imitated prior to the application for registration.

As elicited by the correspondence between Mr. Herod and the Minister of Foreign Affiars as well as by interviews between the former and the director of the Patent Bureau (see Enclosures 1, 2, 3, and 4,), the fact is that the New York Condensed Milk Company has neither direcly, nor by any authorized attorney, applied for the registration of the "Eagle Brand" mark. An examination of the archives of the Patent Bureau shows that on May 4th, 1897, one Maurice Russell, a

British Subject, applied through his attorney for registration in his own name as owner of the Trade Mark in question. Mr. Russell held no power of attorney from the New York Company; does not set out that he is their agent; but, as a British subject resident in Japan, applied for the registration of a mark which had been notoriously used by others for many years. A preliminary notice that the application would be rejected unless further evidence of exclusive ownership was forthcoming was sent to Mr. Russell's attorney on June 25th, 1897. No such evidence was produced. In fact, contrary to the statements made by Mr. Russell's attorney --- S. Nukiyama,--- no further steps were taken to secure the registration; the case, according to the records of the Patent Bureau, was allowed to go by default, and, on August 25th, 1897, the application was finally rejected.

From the above record of t e case, it will be seen that the New York Condensed Milk Company is not now in a position to call into question the Japanese Government's interpretation of paragraph 3 of Article II of the regulations governing Trade Marks, inasmuch as no application for registration has been made by the Company itself or by a duly qualified agent thereof.

However, as a second and proper application for the registration of the "Eagle Brand" mark may disclose the existence of imitations on the market in Japan, and so place that Company in the position which they have anticipated, it will be well to lay before the Department the reasons which govern the Japanese Patent Bureau's interpretation of Article II of

the Trade Mark Regulations, which interpretation as stated by Mr. Mitsuhashi is to the effect that "they cannot but refuse the registration of such marks as are identical with or similar to those already in use by others in Japan before the application for registration was made; if such case should happen, no matter whether the applicant may be a Japanese or a foreigner." In other words, the Trade Mark must be novel for the purpose for which it is to be used.

The Japanese laws regarding trade marks, patents, and designs, the benefits of which Americans now enjoy, in virtue of the Convention of 1897, have not been altered since promulgation in 1888. Prior to the ratification of the late Treaty between Germany and Japan and the negociations of patent and trade mark conventions between Japan and other powers, the laws concern themselves with the applications for the registrations of trade marks of Japanese subjects alone. In the contemplation of the law the rights of foreigners were in no way involved. A foreigner could not secure the registration of his trade marks, nor could he prevent their imitation. Foreign trade marks had no existence except for one purpose, i.e.--- that of proving that the Japanese applicant for registration for the trade mark was not the owner of a novel mark. It will be readily seen then that there was no means by which the imitations of foreign marks could be suppressed, and naturally where profit offered the Japanese did not hesitate to manufacture and put on sale imitations of many of the well-known articles of trade imported from foreign countries, with the result that some of the imitating manufacturers here have become established in a paying business. It cannot be con-

ended, I believe, that the Patent and Trade Mark Convention was intended to be retro-active in effect; that the Japanese imitator who has acquired a paying business while not infringing the rights of others---for no rights in industrial property except those of the Japanese were recognized by the Government---could be deprived of his property upon the conclusion of an agreement between Japan and a foreign power, that from and after a certain date the contracting countries would mutually extend to the citizens or subjects of the other all rights enjoyed by their own subjects in regard to trade marks.

The rights of Americans to secure protection for their trade marks commenced on the date of the exchange of ratifications of the Patent and Trade Mark Convention. From that date they enjoyed all rights belonging to Japanese subjects. If a mark is novel and its ownership bona fide it is entitled to registration. If it has been used by others in Japan prior to the date of the application it is no longer novel and is not entitled to registration. If the Patent Bureau had been consistent in its rulings these have been all the rights enjoyed by Japanese subjects hitherto and prior to 1897 To sustain its position the Patent Bureau claims that it has ~~universally~~ invariably refused the registration of the application of a Japanese when it has learned that the mark is not novel and that the ownership is not bona fide. A case in point is that mentioned by Messrs. J. Curnow and Co. of Yokohama in their letter to the New York Condensed Milk Company---enclosed with the Department's instructions---from which I quote: "For many "years a brand of milk known as 'Eagle' was manufactured and "sold in Japan and applications had been made to register "falsely but all applications like the one for years had been

refused."

If the New York Condensed Milk Company finds that its "Eagle Brand" is being counterfeited and this fact is known to the Patent Bureau, I doubt if an application for registration would be successful. It would, I fear, meet the same fate as have many others made by foreigners for marks that have been imitated prior to the Trade Mark Conventions between Japan and other countries.

It may be, however, that another application properly made will result in a registration of the mark, and consequently I should not feel authorized to attempt to secure a suppression of the imitated article on account of sanitary reasons, until I shall have learned definitely that there is no other means of protecting the American article.

I have the honour to be,

Sir,

Your obedient servant,

V. E. Buck.

Enclosures:

1. Mr. Herod to Mr. Mitsuhashi.
2. Mr. Mitsuhashi to Mr. Herod.
3. Mr. Herod to Mr. Yanagiya.
4. Memorandum of Mr. Yanagiya.

Enclosure with Mr. Buck's No. 228.

(Copy.)

United States Legation,
Tokio, November 7, 1898.

N. Mitsuhashi, Esquire,
etc., etc., etc.,
Foreign Office.

Dear Mr. Mitsuhashi:-

Referring to the conversation I had with you a few days ago, upon the subject of the refusal of the Patent Bureau to register the trade mark of the New York Condensed Milk Company, I beg to enclose herewith for the consideration of the Department of Foreign Affairs, a copy of an instruction upon the subject received by the Minister from the Department of State, and to request that I may be informed as to the inhentions of the Imperial Government in regard to proposing to the Diet additional legislation to relieve the hardships which the present rulings of the Patent Bureau entail upon the bona fide owners of foreign trade marks which their goods carry to all parts of the world.

Particular attention should be given to that side of the present case that touches upon the health of the users of condensed milk. Were the imitations of the established brands good milks, there would be no necessity to force their sale under false pretenses; they would sell on their merits.

Very truly yours,

(Signed) Joseph R. Herod.

Enclosure with Mr. Buck's No. 229.

(Copy.)

FOREIGN OFFICE,

Dec. 6,1898.

Joseph R. Herod, Esq.,

Secretary of the United States Legation.

Dear Mr. Herod,

In reply to your note of the 7th ultimo, on the subject of the refusal on the part of the Patent Bureau to register the trade mark of the New York Condensed Milk Company, I beg to inform you that I have now received an answer from the proper authorities to whom the matter was referred, to the effect that the Patent Bureau has received no application for registration of trade marks from the said Company except one for that of the "Gold Seal Brand" which was duly registered, and having no other application for registration from the said Company there has naturally been no refusal at all on the part of that Bureau. But, they add, in view of the provision mentioned in paragraph 3 of the Second Article of the Trade Marks Regulations, they cannot but refuse the registration of such trade marks as are identical with or similar to those already used by others in Japan before the application for registration was made; if such cases should happen, no matter whether the applicant may be a Japanese or a foreigner.

Yours very truly,

(Signed) M. Mitsuhashi.

1

Enclosure with Mr. Buck's No. 228.

(Copy.)

Mr. Herod to the Director of the Patent Bureau.

United States Legation,

Tokio, November 28, 1898.

Dear Mr. Yanagiya:-

With reference to the conversation I had with you on Saturday, regarding the trade mark of the New York Condensed Milk Company, I send you herewith one of the papers in the case setting out that the application for registration is numbered 12092 and was presented to your Department by one S. Nukiyama.

Kindly return the paper when you have finished.

Sincerely yours,

(Signed) Joseph H. Herod.

Enclosure with Mr. Buck's No. 228

Notes of Director of The Patent Bureau.

(Copy.)

Nukiyama, Agent for

Maurice Russell,

a British subject.

Trade mark-------Eagle Brand.

Application dated May 4th, 1898.

Preliminary rejection of application, June 25th, 1898.

No further steps were taken by parties interested, so that the rejection was made final on August 26th, 1898.

The "Swiss Milk" trade mark is registered in the name of Maurice Russell as his own property, as proved by documents in my office.

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DIPLOMATIC,
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JAN 13 1899

Jan. 24/99

NO. 229

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 16, 1898.

Mr. Buck,

to the Secretary of State.

Subject:

Transmitting copy of opinion and decision in the caseof the United States vs John Kelly, charged with murder, trial in the United States Consular Court of Nagasaki .

No. 229.

LEGATION OF THE UNITED STATES,

Tokio, Japan, December, 16th, 1898.

Honorable John Hay,

Secretary of State,

Washington, D. C.

Sir:-

I have the honor to enclose herewith a copy of my opinion and decision in the case of the United States against John Kelly, tried for murder in the United States Consular Court in Nagasaki, submitted to me for my approval of the finding and judgment of imprisonment for life at hard labor pronounced by the Consul and his concurring associates.

Upon due consideration of all the facts brought out in the trial, to approve of the opinion of the Consular Court would not have been in accord with my conclusion as to the guilt of the accused and would in my opinion do him injustice, though, on approval, I should have recommended an immediate pardon which, in that event, I should have felt called upon to do.

Believing from the evidence taken on the trial that Kelly should have been found guilty of a less offence than murder and that, under the law, without my approval of the opinion of the Consul and his associates, there was no conviction, I declared a mistrial and remitted the case back to the Consul for further trial.

I regret that the "Regulations for the Consular Courts of "the United States for Japan" adopted in 1870, do not provide any mode of procedure in capital cases wherein the Minister finds it necessary to disapprove of the opinion of the Con-

sular

sular Court thus causing a mistrial. In the absence of the adoption of some rule of procedure in such case, I saw no other alternative than to assume the responsibility of giving the case the direction I have given it, as set forth in my opinion and decision herewith.

I have the honor to be,

Sir,

Your obedient servant,

W. D. Leslie

Enclosure:

Copy of opinion and decision in the case of the United States vs. John Kelly, charge murder.

Mid Mr. Bucks No. 229.

Copy.

UNITED STATES LEGATION,

Tokyo, Japan, December 14, 1898.

The United States

vs

John Kelly

Charge, - Murder

In the United States Consular Court at Nagasaki, Japan.

Trial concluded July 9, 1898.

Transcript of the record received at the Legation November 28, 1898.

In the above stated case the Transcript officially certified by Charles E. Harris, United States Consul at Nagasaki, Japan, to be a full, true and complete transcript of the record of the proceedings in the trial of John Kelly, a United States citizen, had before the United States Consular Court in Nagasaki, for the murder of one Owen Cannon, and of the judgement of guilty and sentence of said Kelly on July 9th last to imprisonment for life at hard labor , was received upon the date above given.

Since in the opinion of the Department of State as expressed in instruction to United States Consul Harris (a copy of which instruction has been submitted with the transcript of the record in this case) the provisions of Section 4102 R.S., as modified in respect to the penalty for murder in such cases by Act of Congress of January 15, 1897, still requires h that no person shall be convicted of murder "unless the Consul and all his associates concur in the opinion and the Minister also approves of the conviction", it is my duty to act in this case in like manner as though the death penalty

under said ~~article~~ section had not been changed to imprisonment for life at hard labor.

It appears from the record that the said Kelly was duly indicted and arraigned before said Consular Court composed of the Consul and four associates duly organized under the law and properly qualified. It appears also that the accused had no counsel and consented that the trial proceed without and at the conclusion of the trial the Consul and his associates all concurred upon finding him guilty and in pronouncing judgment upon him, to which the accused took no exception and made no objection.

While by the testimony of the witnesses given upon the trial the killing of Gannon by Kelly is fully proven, it, in my opinion, is not shown that the killing was premeditated, or felonious and wilful to such a degree or in such a sense as to warrant Kelly's conviction for murder and his sentence to imprisonment for life at hard labor as determined and adjudged by the Consul and his associates, though he might properly have been convicted for a less offence. Without discussing at length the facts brought out by the testimony of the witnesses, it is sufficient to say that it appears from the evidence that Gannon was killed by Kelly without premeditation, as the result of a desperate fight between the two men,- both intoxicated,- friends up to that time,- inferentially, if not proven to have been, provoked by Gannon, who sought the difficulty with Kelly.

Upon a careful examination of the record and upon a full and deliberate consideration of all the testimony given as appears therein, I am forced to the conclusion that the said

Kelly has not been proved to be guilty of murder as charged, t that the Consul and his ~~assistants~~ associates erred in so find ing the accused, and I am constrained to assume the responsibility of withholding my approval of their opinion rendered in this case.

Mr. Bingham, United States Minister to Japan, in the case of Ross,- tried in 1880 in the Consular General Court at Kanagava for the crime of murder and found guilty,- upon his (the Minister's) approval of the finding and judgement of the Court directed that the accused be brought again before the Consular General Court and that judgement and sentence be pronounced in consequence of his, the Minister's, approval as well as because of the trial, finding and judgement of the Consular General Court. In that case Mr. Bingham was fully sustained by the Government.

This action by Minister Bingham was taken manifestly in consequence of a proper interpretation of the lawwwhich makes the Minister to a certain degree a necessary part of the Court in a conviction for the crime of murder and that no judgement or sentence imposed for murder by a Consular Court in Japan could be complete without the concurrent action of the Minister assenting to and approving of the opinion of the Consul and his associates. This is also in accord with Instructions to Diplomatic Officers, Section 222, which states:" In trial " for capital offences there must be not less than four associates, who must concur in opinion with the Consul, and their " opinion must be approved by the Minister before there can " be a conviction"; from which it appears that the opinion of the Consul and his associates must be approved by the Minister before conviction takes place, and that the action of the Minister in such case is not the approval or disapproval

of a conviction already determined by them.

In this view of the law, there having been no actual conviction in the case of Kelly by the judgement of the Consul and his associates, the question arises what will be the status of Kelly upon a disapproval by me of the finding in the case.

Section 4106, R.S., provides, in the trial of capital cases by a Consul with associates, when any of the associates disagree with the Consul in the finding, that the case, on being referred to the Minister for his adjudication, may be remitted by him to the Consul with instructions how to proceed therewith.

The law, as also the 'Regulations for the Consular Courts of the United States for Japan' are silent as to what shall be done in the case of a trial of a person for a capital offence, in which case, in the opinion of the Consul with the concurrence of all his associates, the accused is found guilty, and in which opinion the Minister does not concur, thus preventing conviction,- the Minister's disapproval in effect working a mistrial. It would seem that ~~g~~ in view of the authority vested in him by Sections 4117 and 4118., R.S., the Minister(anticipating disapproval in some cases as probable, should have made heretofore and promulgated in the 'Regulations for Consular Courts in Japan' some rule providing that in such cases that the accused should be brought again before the Consul and at least four associates for trial. Without the previous promulgation of such rule by the Minister in the General Regulations has he authority, in case of disapproval, to give the Consul instructions how to proceed?

From instructions to Minister Bingham by Mr. Fish,

etary of State in I876, I quote as follows:

" These provisions of the statute of the United States "are not understood to confer upon the Minister any pow- "er of general legislation (as commonly understood), but "simply the power of supplying decrees and regulations "to supply any defects in the mode of exercising the ju- "risdiction which the statutes and treaties gave to the "consular courts. With us at home, our courts cannot "legislate, cannot make laws, but may make regulations "controlling the practice and the mode of their adminis- "tering and enforcing the laws. When the statutes of "the United States, the common law, and the law of equi- "ty and admiralty fail to furnish sufficient remedies "for the exercise of the jurisdiction which the statute "confers on the consular courts in Japan, China, etc., "the Minister may supply the deficiency. Such is under- "stood to be the extentof legislative power, if even "this can be properly called 'legislative power', which "is given to either minister or consul by the statute. "No power is given to the Minister to make a regulation "which will establish or impair the rights existing be- "tween parties to create or impose new obligations on "citizens. He is confined to making regulations which "will enable the established courts to administer jus- "tice between parties according to existing laws, and "to punish those who offend against these laws

On page 817, Volume I "Wharton's International Law" I t the following paragraph as giving the general powers of lomatic officers under the law as provided in Sections 4117 4118 R.S.:-

" The authority conferred by the statute is defined "to be a <u>judicial authority</u>. The Minister is required "to execute the power in <u>conformity with the laws of the "United States</u>, with authority to supply defects and "deficiencies in two cases only: (1)Where those laws "are not adapted to the exercise of the judicial author- "ity conferred by the statute. (2)Where they are defi- "cient in provisions to furnish suitable remedies. In "each of these contingencies the Minister has authority "to make regulations in order '<u>to furnish suitable and "appropriate remedies</u>,' and for no other purpose what- "ever. Every power named in the statute in this re- "spect is conferred upon the Minister, '<u>in order to "organize and carry into effect the system of jurispru- "dence</u>.'"

In the absence of any general rule providing the mode of ocedure in a case such as that now under consideration, made accord with the provisions of paragraphs 4117 and 4118, R.S.

wherein the Minister disapproves of the opinion of the Consul and his associates and thereby, in effect, makes a mistrial, ipso facto, I consider it within the limits of his judicial authority, for a proper administration of the law and to attain the ends of justice, to so declare a mistrial and to remit the case back to the Consul that the accused may again be brought before the Consul and four or more associates for trial , which is done in a formal entry of disapproval and remission herewith.

(Signed) A. E. BUCK,
United States Minister.

United States Legation, Tokyo.

The United States
vs
John Kelly

Charge,- Murder. Trial in the United States Consular Court of Nagasaki, Japan.

Upon examination and due consideration of the record of the proceedings and testimony in the above stated case, submitted to me as United States Minister for my approval or disapproval of the opinion of the Consul and his associates, all concurring in finding the accused guilty of murder and entering judgement for imprisonment for life at hard labor, I hereby enter my disapproval, declare that no conviction has been had and remit the case back to the United States Consul at Nagasaki for further trial.

(Signed) A. E. BUCK,
December 14, 1898. United States Minister

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NO. 230.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 19, 1898.

Mr. Buck,

to the Secretary of State.

Subject:

Request of Japanese Minister of Marine that Lieutenant Akiyama, I.J.N., be admitted to the Naval War College, Newport.

DIPLOMATIC,
JAN 12 1899
BUREAU

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REC'D
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NO. 230.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 19, 1898.

Mr. Buck,

to the Secretary of State.

Subject:

Request of Japanese Minister of Marine that Lieutenant Akiyama, I.J.N., be admitted to the Naval War College, Newport.

NO. 230.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 19, 1898.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to enclose herewith a translation copy of a letter from His Excellency, the Japanese Minister of Marine, asking my assistance in securing, if possible, permission for Lieutenant Akiyama, of the Imperial Japanese Navy, to enter the Naval War College at Newport, stating that he had been ordered to the United States to enter that college, if opportunity offered, and that he had been unable to do so etc., etc.,

Some days ago in presenting Lieutenant Key, the Naval Attaché of the Legation, to the Minister of Marine, and in asking that he be extended such courtesies by the Japanese Naval Department as would facilitate him in obtaining information and that he have permission to visit the Navy yards, war ships, etc.,- all of which the Minister readily and kindly promised - he remarked upon the fact that Lieutenant Akiyama had been sent to the United States for study and, for some reason unknown to him, the Lieutenant, on application, had been denied admission to the Naval College at Newport. The Minister expressed a strong desire that such permission be granted Lieutenant Akiyama.

In reply I stated to him that I would be glad to aid him

in

in this matter if I could in any way, and if he would give me a simple memorandum of his desire in writing I would address the State Department on the subject, asking that the Naval Department be advised of his wishes and, if possible, be requested to grant the favor so much desired by His Excellency.

In reciprocation of such courtesies as are to be extended our Naval Attaché here I regard it important that the request of the Minister of Marine be complied with and I so recommend with the hope that the Secretary of the Navy will find it practicable and consistent to admit Lieutenant Akiyama to the War College.

I have the honor to be,

Sir,

Your obedient servant,



Enclosure:

Translation copy of note, Admiral Yamamoto to Mr. Buck.

Enclosure with Mr. Buck's No. 230.

Translation.

Department of Navy,

Tokyo, Japan, December 17, 1898.

His Excellency,

Alfred E: Buck,

etc., etc., etc.

Sir:

I have the honor to bring to Your Excellency's attention the fact that in last year Lieutenant Akiyama, I.J.N., was ordered abroad to pursue his studies in your country, with instructions to enter the Naval War College at Newport, R.I., if opportunity offered. As yet Mr. Akiyama has been unable to enter that institution, which has the reputation of being the best equipped college of its kind in the United States, and of accomplishing the best results. I am very desirous that he should be allowed to study in that institution and that thus through him our Navy may receive great benefit in the future.

I am therefore led to ask Your Excellency's kind assistance in this matter, that through your influence if possible Mr. Akiyama may receive special permission to enter the Naval War College, and I avail myself of this opportunity to assure you of my high consideration.

(Signed) YAMAMOTO GOMBEI,

H.I.J.M's. Minister of Marine.

DIPLOMATIC,
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2D ASSISTANT SECRETARY,
Ack by subject & file.
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JAN 12 1899

No. 231.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 19, 1898.

Ackd Jan. 2 1899 C

Mr. Buck

to the Secretary of State.

Suoject:

Speech of Marquis Ito on China.

No. 231.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 19,1898.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to enclose herewith a clipping from the "Japan Mail" of the 12th December,1898, giving a translation of a speech delivered by Marquis Ito, on the 10th instant, at a meeting of his friends who gathered for the purpose of welcoming the Marquis on his return from China where he had passed the last three months.

Although Marquis Ito is not now holding office, his opinions, nevertheless, carry greater weight than those of any other Japanese statesman, and, on this account, I have judged it advisable to transmit to the Department his views of the condition of China and the state of the finances of his own country.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

Enclosure:

Clipping from "Japan Mail" of December 12,1898.

With Mr. Bucks No. 231

The Japan Daily Mail.

YOKOHAMA, MONDAY, DECEMBER 12, 1898.

MARQUIS ITO'S SPEECH.

On the 10th instant, Marquis Ito was present at a meeting of the Constitutional Party, the Ministers of State, Baron Ito, and other notables in the Imperial Hotel. The object of the meeting was to welcome the Marquis on his return from China, and to hear his views on current affairs. Count Itagaki presided, and in a brief speech expressed the pleasure that those present felt in receiving the distinguished statesman and in having an opportunity of hearing his valuable opinion. Marquis Ito then spoke as follows :—

Yesterday Mr. Hayashi conveyed to me, gentlemen, an expression of your desire that I should attend this evening and make a statement of my views. I can not pretend that I have any special claim to occupy your attention, but since you have been good enough to invite me, I gladly comply with your wishes. When I resigned my official position in June last, as you are aware, and found that I had some leisure, I felt that I ought, if possible, to pay a visit to China and Korea in order to obtain direct knowledge of the state of affairs in those countries. I deem it fortunate that I was able to carry out my project, yet I am conscious now that to enter into any detailed statement this evening of the conditions existing in the two empires would be a matter of much difficulty. If I limited myself to an account of what I have seen and heard, I might easily address you; but to descend below the surface and lay before this meeting an intimate *résumé* of China's state would be a serious task. In truth, the present condition of China offers features of a particularly perplexing character. That is not merely my individual opinion. I had many opportunities of meeting and converse with foreigners during my travels, and all agreed that to construct any definite theory about China to-day is scarcely possible. Thus, her relations with Foreign Powers are of quite an exceptional character, and their reality differs greatly from the appearance. The procedure adopted by Western States in their dealings with China, and their attitude of jealousy towards each other, constitute a situation of grave peril. China, on her side, does not appear to have any fixed policy or any definite idea how to deal with her embarrassments. Turning to her domestic affairs, the most superficial observer can see that they too are fraught with danger. It is not an exaggeration to say that the Far-Eastern question is now the Chinese question. Korea's case is comparatively insignificant: it can not be mentioned in the same breath with China's. It is commonly said of China that the problem of reform is responsible for the signal changes that have occurred since September last. I myself did not originally suppose that the question of national reform had assumed such large dimensions in China, though I fully appreciated the imperative necessity of reform. But things have greatly altered, and the question has now entered an acute phase. Looking at the order of the various reforms undertaken, I am not sure that they were calculated to effect a general improvement in the condition of the Chinese empire, and I was not surprised, therefore, to find that they had been interrupted mid-way. China must be reformed. That is beyond doubt. But in a country where the customs of the people, the administrative methods, the laws, the literature, and, in short, everything that goes to make up the life of the nation, have been crystallized by the uninterrupted passage of centuries upon centuries of time, it is not to be supposed that really valuable reforms can be effected in a moment. To attempt to carry into successful operation any large measures of reform, would demand extraordinary ability on the part of the Administration, and would involve something very like a revolution. At the present moment, therefore, there is little hope of China's reform. On the other hand, can her integrity be preserved if things remain as they are? All are agreed that she does not possess either the military organization or the administrative arrangements necessary for the maintenance of a great empire. She is merely leading a precarious existence which derives its vitality chiefly from her antiquity. Can she hope to assert her independence henceforth? Consider the frequent disturbances that occur within her borders and the contingencies to which they may lead. If she once becomes an arena for the exercise of the rivalries between Foreign Powers, there can be no hesitation in affirming that her fate is sealed. I arrive, therefore, at the definite conclusion that a very precarious state of affairs exists in the East, and if you ask me what are the chief factors of danger, I answer that they are numerous. One of the principal is that the Eastern question is not localized, but has come to have an intimate connexion with the problem that concern Western nations in their own spheres. If you look at the telegraphic and journalistic intelligence which we have received about the Fashoda affair and the difficulties that grew out of it between England and France, you will perceive at once that any warlike struggle between the two Powers would immediately have been felt in the Far East. When I was in Shanghai, the British squadron received orders to rendezvous at Wei-hai-wei. Many people said that the step was taken by way of precaution against the danger of some serious anti-foreign movement in North China. Was that so? No. The incident was simply one of the phenomena caused by the Fashoda disturbance. In other words, the perils of the situation in Europe had at once made itself felt among British subjects in the Far East. I do not say that an outbreak might not have occurred in Peking demanding the exercise of military force on Great Britain's part. But the assembly of the British Squadron at Wei hai-wei was not merely a precautionary measure against troubles in China: it was an outcome of the strained relations between Great Britain and France in Africa. As for China, her defensive capacities at present are totally inadequate to preserve her independence, and she is quite without means to deal with a serious crisis should it arise. Any serious complication in her domestic affairs leading to the interference of Foreign States would immediately bring upon the *tapis* the question of the balance of power between them, and the situation would ultimately enter a phase unemininently dangerous to her integrity. A country must be able to manage its domestic affairs properly before it can show a bold front to the world. If it can not control the forces that operate to subvert peace and good order within its own territories, that Foreign Powers will take upon themselves the duty of controlling them is beyond doubt. China's intercourse with foreigners is disfigured by many untoward incidents; burnings of churches, assassinations of missionaries, outrages against personal property. These troubles, if they assume larger proportions, may at any moment become the cause of a serious crisis in her affairs. Japan, her immediate neighbour, would be the first to feel the effects of such a crisis. What then, should be the line of procedure adopted by our country? Naturally the special circumstances of each case must influence our manner of dealing with it, but, speaking generally, although I am not one of the so-called "strong policy" men, I have no hesitation in saying that unless we are fully prepared to meet all contingencies, we shall find ourselves virtually resourceless in the supreme moment, however strenuous may be our efforts to save a situation. As lovers of our country, we must make it our aim to develop our strength while the opportunity is yet with us. In the case of Korea, the occurrences now reported from Sōul are not of sufficient magnitude to constitute a national danger, but if they continue unchecked, they may easily develop grave phases.

Reviewing the situation as a whole, I am disposed to think that with regard to China and the Far East the actual conditions are not such as the Japanese people in general seem to imagine, and I apply this remark alike to the problem of North China and to the Anglo-French problem. Other nations plainly regard China's affairs as having assumed a very precarious character and other nations appear to me to be right. (Here the Marquis entered into an account of his own doings. He said that since the year before last he had not intended to take any further share in the administration, but had altered his intention in deference to the Emperor's commands, and had assumed the responsibility of organizing a Cabinet last January. It had become his duty to propose an increase of the Land Tax, and the result had been a collision with the Diet leading to the dissolution of the Lower House. He had then handed over the Administration to the Constitutional Party, because he supposed that they would be able to achieve what he himself had failed to accomplish, and it had been a bitter disappointment as well as a great surprise to him to learn at Shanghai that the Constitutional Party had broken up and that the Ministry had fallen. Arriving at Nagasaki, however, he had learned with pleasure that the present Cabinet had been formed.) It is inevitable that whatever statesmen assume the direction of the nation's affairs at this juncture, they must encounter great difficulties. I therefore feel it to be my bounden duty to render every assistance in my power, for the fortunes of the country depend largely on the manner of its administration at present. Need I say that I have no hesitation in sacrificing myself if I can in any way promote the interests of the country. I can not tell you how gratified I was to learn that, at such a crisis, a union had been formed between you, gentlemen, and the Cabinet, and it is my most sincere hope that you will work in full harmony. Another dissolution of the House of Representatives would be a calamity of the gravest nature to the country. This is essentially a time calling for concord between the Legislature and the Administration. If the present opportunity be forfeited, no man, let his genius be what it may, will be able to retrieve the situation." (The Marquis then dwelt on the necessity of providing funds to carry out the various enterprises on which the nation had embarked, and declared positively that the Land Tax was the only stable and sound source of revenue. He had not originally been an advocate of increasing the Land Tax, as his record showed, but after coming to deal with national affairs in recent times, he had been forced to conclude that this was the best available resource.) "I venture therefore to hope that, in the country's interests, you will support the Land Tax Bill submitted to the Diet by the Cabinet. History indicates that you were the first to endorse and vote for the *post bellum* programme. I ask you to complete the task to which you then pledged yourselves. There are among my hearers several gentlemen fully acquainted with the state of affairs in the Treasury, and it is unnecessary that I should offer to them any information about the Indemnity. But I bespeak your patience for a while I give a few figures." (Here the speaker read a statement with reference to the calls that had been made upon the Indemnity, and showed that, in 1899, it would not suffice to meet the demands now in sight). "Such being the case, some method of relieving the financial strain must positively be found. I do not go so far as to assert that an increase of the Land Tax is absolutely inevitable, but I most emphatically allege that, having joined hands with the Cabinet, you are bound to assist it in seeking some exit from the present financial difficulty. The state of affairs now existing is precisely similar to that of which I myself had painful experience, and I can therefore fully sympathise with the Ministers of the Crown, and I venture to think that your solicitude for the country's good will awaken in you a corresponding disposition to sympathy and helpfulness. In the field of commerce the balance of trade has been partially restored, yet the general condition of commerce is distinctly languid. There appears to be a slightly renewed feeling of ease in the money market, but, on the other hand, enterprise is almost paralysed. What we have to do before everything is to consider the necessity of carrying to a conclusion the national undertakings already commenced. I have been absent from Japan for some time, and it is possible that my knowledge of the political situation may appear incomplete, but one thing is beyond all doubt, namely, that without harmony between the Legislature and the Executive, the constitutional system of Government can not be a success. Causes of differences are bound to arise, of course, in connexion with the numerous problems presenting themselves for solution, but it is above all things desirable that the progress of constitutional institutions should not be interrupted by vain discussions. The The smooth working of the constitutional system in England is primarily due, I think, to the fact that the English people understand the necessity of subserving individual opinions to the general good. It is your duty to the Constitution, gentlemen, to cultivate a spirit of compromise so that a long existence may be assured to the institutions which it is our happines to possess."

Mr. Hoshi Toru having thanked Marquis Ito for his address, the company, numbering about 300, sat down to dinner.

We have to explain, with reference to the above, that our translation is made from the columns of the only two vernacular journals reporting the speech. We are disposed to infer, however, from occasional breaks of continuity in the language and ideas, that even where our contemporaries profess to give verbatim reports, their versions are more or less epitomized. Still, in view of the great interest attaching to the speech, we publish it at once, instead of waiting for the fuller versions which will probably appear by-and-by.

With Mr. Bucks No. 231.

The Japan Daily Mail.

YOKOHAMA, MONDAY, DECEMBER 12, 1898.

MARQUIS ITO'S SPEECH.

On the 10th instant, Marquis Ito was present at a meeting of the Constitutional Party, the Ministers of State, Baron Ito, and other notables in the Imperial Hotel. The object of the meeting was to welcome the Marquis on his return from China, and to hear his views on current affairs. Count Itagaki presided, and in a brief speech expressed the pleasure that those present felt in receiving the distinguished statesman and in having an opportunity of hearing his valuable opinion. Marquis Ito then spoke as follows :—

Yesterday Mr. Hayashi conveyed to me, gentlemen, an expression of your desire that I should attend this evening and make a statement of my views. I can not pretend that I have any special claim to occupy your attention, but since you have been good enough to invite me, I gladly comply with your wishes. When I resigned my official position in June last, as you are aware, and found that I had some leisure, I felt that I ought, if possible, to pay a visit to China and Korea in order to obtain direct knowledge of the state of affairs in those countries. I deem it fortunate that I was able to carry out my project, yet I am conscious now that to enter into any detailed statement this evening of the conditions existing in the two empires would be a matter of much difficulty. If I limited myself to an account of what I have seen and heard, I might easily address you; but to descend below the surface and lay before this meeting an intimate *résumé* of China's state would be a serious task. In truth, the present condition of China offers features of a particularly perplexing character. That is not merely my individual opinion. I had many opportunities of meeting and conversing with foreigners during my travels, and all agreed that to construct any definite theory about China to-day is scarcely possible. Thus, her relations with Foreign Powers are of quite an exceptional character, and their reality differs greatly from the appearance. The procedure adopted by Western States in their dealings with China, and their attitude of jealousy towards each other, constitute a situation of grave peril. China, on her side, does not appear to have any fixed policy or any definite idea how to deal with her embarrassments. Turning to her domestic affairs, the most superficial observer can see that they too are fraught with danger. It is not an exaggeration to say that the Far Eastern question is now the Chinese question. Korea's case is comparatively insignificant: it can not be mentioned in the same breath with China's. It is commonly said of China that the problem of reform is responsible for the signal changes that have occurred since September last. I myself did not originally suppose that the question of national reform had assumed such large dimensions in China, though I fully appreciated the imperative necessity of reform. But things have greatly altered, and the question has now entered an acute phase. Looking at the order of the various reforms undertaken, I am not sure that they were calculated to effect a general improvement in the condition of the Chinese empire, and I was not surprised, therefore, to find that they had been interrupted mid-way. China must be reformed. That is beyond doubt. But in a country where the customs of the people, the administrative methods, the laws, the literature, and, in short, everything that goes to make up the life of the nation, have been crystallized by the uninterrupted passage of centuries upon centuries of time, it is not to be supposed that really valuable reforms can be effected in a moment. To attempt to carry into successful operation any large measures of reform, would demand extraordinary ability on the part of the Administration, and would involve something very like a revolution. At the present moment, therefore, there is little hope of China's reform. On the other hand, can her integrity be preserved if things remain as they are? All are agreed that she does not possess either the military organization or the administrative arrangements necessary for the maintenance of a great empire. She is merely leading a precarious existence which derives its vitality chiefly from her antiquity. Can she hope to assert her independence henceforth? Consider the frequent disturbances that occur within her borders and the contingencies to which they may lead. If she once becomes an arena for the exercise of the rivalries between Foreign Powers, there can be no hesitation in affirming that her fate is sealed. I arrive, therefore, at the definite conclusion that a very precarious state of affairs exists in the East, and if you ask me what are the chief factors of danger, I answer that they are numerous. One of the principal is that the Eastern question is not localized, but has come to have an intimate connexion with the problem that concern Western nations in their own spheres. If you look at the telegraphic and journalistic intelligence which we have received about the Fashoda affair and the difficulties that grew out of it between England and France, you will perceive at once that any warlike struggle between the two Powers would immediately have been felt in the Far East. When I was in Shanghai, the British squadron received orders to rendezvous at Wei-hai-wei. Many people said that the step was taken by way of precaution against the danger of some serious anti-foreign movement in North China. Was that so? No. The incident was simply one of the phenomena caused by the Fashoda disturbance. In other words, the perils of the situation in Europe had at once made itself felt among British subjects in the Far East. I do not say that an outbreak might not have occurred in Peking demanding the exercise of military force on Great Britain's part. But the assembly of the British Squadron at Wei hai-wei was not merely a precautionary measure against troubles in China: it was an outcome of the strained relations between Great Britain and France in Africa. As for China, her defensive capacities at present are totally inadequate to preserve her independence, and she is quite without means to deal with a serious crisis should it arise. Any serious complication in her domestic affairs leading to the interference of Foreign States would immediately bring upon the *tapis* the question of the balance of power between them, and the situation would ultimately enter a phase unemininently dangerous to her integrity. A country must be able to manage its domestic affairs properly before it can show a bold front to the world. If it can not control the forces that operate to subvert peace and good order within its own territories, that Foreign Powers will take upon themselves the duty of controlling them is beyond doubt. China's intercourse with foreigners is disfigured by many untoward incidents; burnings of churches, assassinations of missionaries, outrages against personal property. These troubles, if they assume larger proportions, may at any moment become the cause of a serious crisis in her affairs. Japan, her immediate neighbour, would be the first to feel the effects of such a crisis. What then, should be the line of procedure adopted by our country? Naturally the special circumstances of each case must influence our manner of dealing with it, but, speaking generally, although I am not one of the so-called "strong policy" men, I have no hesitation in saying that unless we are fully prepared to meet all contingencies, we shall find ourselves virtually resourceless in the supreme moment, however strenuous may be our efforts to save a situation. As lovers of our country, we must make it our aim to develop our strength while the opportunity is yet with us. In the case of Korea, the occurrences now reported from Sōul are not of sufficient magnitude to constitute a national danger, but if they continue unchecked, they may easily develop grave phases.

Reviewing the situation as a whole, I am disposed to think that with regard to China and the Far East the actual conditions are not such as the Japanese people in general seem to imagine, and I apply this remark alike to the problem of North China and to the Anglo-French problem. Other nations plainly regard China's affairs as having assumed a very precarious character and other nations appear to me to be right. (Here the Mar-

quis entered into an account of his own doings. He said that since the year before last he had not intended to take any further share in the administration, but had altered his intention in deference to the Emperor's commands, and had assumed the responsibility of organizing a Cabinet last January. It had become his duty to propose an increase of the Land Tax, and the result had been a collision with the Diet leading to the dissolution of the Lower House. He had then handed over the Administration to the Constitutional Party, because he supposed that they would be able to achieve what he himself had failed to accomplish, and it had been a bitter disappointment as well as a great surprise to him to learn at Shanghai that the Constitutional Party had broken up and that the Ministry had fallen. Arriving at Nagasaki, however, he had learned with pleasure that the present Cabinet had been formed.) It is inevitable that whatever statesmen assume the direction of the nation's affairs at this juncture, they must encounter great difficulties. I therefore feel it to be my bounden duty to render every assistance in my power, for the fortunes of the country depend largely on the manner of its administration at present. Need I say that I have no hesitation in sacrificing myself if I can in any way promote the interests of the country. I can not tell you how gratified I was to learn that, at such a crisis, a union had been formed between you, gentlemen, and the Cabinet, and it is my most sincere hope that you will work in full harmony. Another dissolution of the House of Representatives would be a calamity of the gravest nature to the country. This is essentially a time calling for concord between the Legislature and the Administration. If the present opportunity be forfeited, no man, let his genius be what it may, will be able to retrieve the situation." (The Marquis then dwelt on the necessity of providing funds to carry out the various enterprises on which the nation had embarked, and declared positively that the Land Tax was the only stable and sound source of revenue. He had not originally been an advocate of increasing the Land Tax, as his record showed, but after coming to deal with national affairs in recent times, he had been forced to conclude that this was the best available resource.) "I venture therefore to hope that, in the country's interests, you will support the Land Tax Bill submitted to the Diet by the Cabinet. History indicates that you were the first to endorse and vote for the *post bellum* programme. I ask you to complete the task to which you then pledged yourselves. There are among my hearers several gentlemen fully acquainted with the state of affairs in the Treasury, and it is unnecessary that I should offer to them any information about the Indemnity. But I bespeak your patience for a while I give a few figures." (Here the speaker read a statement with reference to the calls that had been made upon the Indemnity, and showed that, in 1899, it would not suffice to meet the demands now in sight). "Such being the case, some method of relieving the financial strain must positively be found. I do not go so far as to assert that an increase of the Land Tax is absolutely inevitable, but I most emphatically allege that, having joined hands with the Cabinet, you are bound to assist it in seeking some exit from the present financial difficulty. The state of affairs now existing is precisely similar to that of which I myself had painful experience, and I can therefore fully sympathise with the Ministers of the Crown, and I venture to think that your solicitude for the country's good will awaken in you a corresponding disposition to sympathy and helpfulness. In the field of commerce the balance of trade has been partially restored, yet the general condition of commerce is distinctly languid. There appears to be a slightly renewed feeling of ease in the money market, but, on the other hand, enterprise is almost paralysed. What we have to do before everything is to consider the necessity of carrying to a conclusion the national undertakings already commenced. I have been absent from Japan for some time, and it is possible that my knowledge of the political situation may appear incomplete, but one thing is beyond all doubt, namely, that without harmony between the Legislature and the Executive, the constitutional system of Government can not be a success. Causes of differences are bound to arise, of course, in connexion with the numerous problems presenting themselves for solution, but it is above all things desirable that the progress of constitutional institutions should not be interrupted by vain discussions. The The smooth working of the constitutional system in England is primarily due, I think, to the fact that the English people understand the necessity of subserving individual opinions to the general good. It is your duty to the Constitution, gentlemen, to cultivate a spirit of compromise so that a long existence may be assured to the institutions which it is our happines to possess."

Mr. Hoshi Toru having thanked Marquis Ito for his address, the company, numbering about 300, sat down to dinner.

We have to explain, with reference to the above, that our translation is made from the columns of the only two vernacular journals reporting the speech. We are disposed to infer, however, from occasional breaks of continuity in the language and ideas, that even where our contemporaries profess to give verbatim reports, their versions are more or less epitomized. Still, in view of the great interest attaching to the speech, we publish it at once, instead of waiting for the fuller versions which will probably appear by-and-by.

F STATE
9.13 AM 1898
KS. OFFICE
CEIVED

INDEX BUREAU
REC'D.
24 DEC 1898
DEPT. OF STATE

TELEGRAM RECEIVED.

16 Gov't.

From Tokio.

Dec. 23, 1898.

Received 1.18 A.M. 24,

Hay.

Washington.

Japan has put Universal Postal Convention into execution. Ratification sent Washington December tenth.

Buck

M.G. Embassy to French Embassy to Telegraph Convention Dec. 30

No. 232.

INDEX BUREAU
REC'D.
18 JAN '99
DEPT. OF STATE

Ans'd Jany 31 + Telegram Sent to Japanese Min. Jany 31.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 29, 1898.

Mr. Buck,

to the Secretary of State.

Subject:

Requesting instructions as to supplementary protocol or convention relating to consular jurisdiction over cases under adjudication at time of operation of new treaties, care of prisoners undergoing sentence, and settlement of estates of citizens of the United States dying in Japan after July 17/ 1898.

No: 232.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, December 29, 1898.

Honorable John Hay,

Secretary of State,

Washington.

S I R:-

I have the honor to call attention to the fact that, in the new Treaty of the United States with Japan, there is no provision in respect to the disposition of cases, civil or criminal, which may be pending and under adjudication in our Consular Courts on July 17th of next year, when the Treaty will take effect; and that there is no provision for the care and disposition in any way of United States prisoners who may at that time be undergoing sentence of confinement.

Upon examination I find the same to be the case as to the treaties of other Powers with Japan except Germany, The Netherlands, Switzerland, Spain and France, in each of which the provisions as to pending cases are practically the same. The provision in the German Treaty reads as follows:-

Protocol.

Section 5, relating to Article IX.

"Notwithstanding the fact that from the date of the operation in its "entirety of the Treaty of Navigation and Commerce signed to-day, the "judicial powers of the German consular officers hitherto exercised

"exercised in Japan shall ipso facto be annulled, both High Contract-
"ing Parties hereby agree that, with regard to all cases pending
"and in course of adjudication at the time of the operation of this
"Treaty, the said judicial powers shall be continued until decision
"in such cases has been rendered."

It will be observed that, while provision is made for the consular officers to dispose of such cases as may be pending andunder adjudication at the time the Treaty goes into operation, there is no provision in respect to the care or custody of prisoners who may be undergoing sentence at that time.

In view of the facts above stated, and of complications that may arise in consequence of a want of some provision in our Treaty in respect to cases that may be pending in our consular courts, as also in respect to United States prisoners in confinement on July 17th next, it perhaps would be advisable to represent to the Japanese Government the propriety and necessity of some stipulation of agreement touching these matters.

In addition, I have the honor to call your attention to the Consular Conventions between Japan on the one hand and Germany and Belgium on the other, whereby it is provided the the German and Belgian Consular Officers after July 17,1899, will jointly with the Japanese authorities administer the estates of such of their nationals as die intestate in Japan.

I quote Article XIV of Japan's Consular Convention with Belgium:-

"In case of the death of any subject of Japan in Belgium or of a
"subject of Belgium in Japan, the competent local authorities shall
"give immediate information of the event to the nearest Consul
"General, Consul, Vice-Consul or Consular Agent of the nation to

"to which the deceased belongs; the said consular officers, "on their part, shall give the smae information to the local "authorities when they shall be informed first of the event.

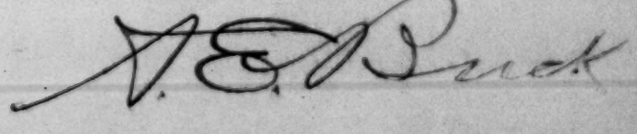
" The competent local authority shall complete the afore- "said information by forwarding a copy in due form and free "of charge of the certificate of death.

" In case of the incapacity or absence of the heirs, or in "case of absence of testamentary executors, consular officers "shall have the right jointly with the competent local author- "ities, to execute all deeds necessary for the preservation "and administration of the succession, particularly to affix "and remove the seals, to make up the inventory, to administer "and wind up the succession, in one word to take all necessary "measures to safeguard the interests of the heirs, except in "case disputes should arise, which should be decided by the "competent Courts of the country where the succession is open."

Inasmuch as it is claimed by the Japanese authorities that the "most favored nation" clause does not cover the points in question, I have the honor to await such instructions, if any, as the Department may see fit to give in respect to the matters set forth above and to obtaining some stipulation of agreement by Consular Convention or otherwise , by which the United States may be put at least upon an equal footing with Germany and the other Powers herein mentioned, and to be,

Sir,

Your obedient servant,



DIPLOMATIC,

JAN 4 1899

"Japan"

TELEGRAM RECEIVED IN CIPHER.

2D ASSISTANT SECRETARY,
Answd by cable Jan 3.
Confirm both. cable
JAN 3 1899

From Ja nuary 2 1899.
Received 10.15 PM

Post a gen 5

H A Y,

Washington.

Am I to understand in last telegram I am at liberty to inform Japanese Government it will be agreeable to the Government of the United States if Japan facilitates establishment telegrph cable by the company represented by Scrymser.

Buck.

ived ..... o'clock ..... M.
Deciphered By
H. Michael, Chief Clerk.
..... o'clock ..... M.
elivered to

ered by Chief Clerk

Jany. 3, , 189 9, 30 M.

DIPLOMATIC,

JAN 26 1899

BUREAU.

2D ASSISTANT SECRETARY,
Refer to Secy of War.
a a h
JAN 25 1899

No. 233.

INDEX BUREAU
REC'D.
25 JAN '99
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 2, 1899.

Copy to War Dpr. Jan 30 99 C

Mr. Buck

to the Secretary of State.

Subject:

Request for the appointment of a military attaché.

No. 233.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 2, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

In consequence of the late war with Spain, Captain Edmund Rice, 5th Infantry, Military Attaché of this Legation, having been recalled, I have the honor to express my desire, now that the war has ended, that, if practicable, he, or some other officer of the Army be assigned to duty here as such attaché.

In event that the Department coincides with my view of the propriety of making the assignment, and the exigencies of the service should permit, should it be impracticable, for any reason to return Captain Rice, I have the honor to suggest that Lieutenant Charles G. Treat, 5th Artillery, be designated instead.

From what information I have, I believe that Lieutenant Treat possesses all the qualifications necessary to an efficient discharge of the duties of a military attaché.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

DIPLOMATIC,
JAN 26 1899
BUREAU.
file

No. 234.

INDEX BUREAU
REC'D.
25 JAN 99
DEPT. OF STATE.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 2, 1899.

Mr. Buck

to the Secretary of State.

Subject:

Copies of telegrams.

No. 234.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 2, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to append on overleaf the copy of your telegraphic instruction of December 31, 1898, and the translation of my cipher despatch of to-day's date.

I have the honor to be,

Sir,

Your obedient servant,

J. T. Duck

(Over)

(Telegram)

Washington, December 31, 1898.

Buck, Minister, Tokio.

I have disapproved concession from Hawaii to Pacific Cable Company. This action not taken in opposition to interests of the enterprise, but simply to leave Congress free to deal with the whole subject. Continue to Mr. Scrymser all proper courtesies and facilities. HAY.

(Telegram)

Tokio, January 2, 1899.

Hay, Washington.

Am I to understand in last telegram I am at liberty to inform Japanese Government it will be agreable to the Government of the United States if Japan facilitates establishment telegraph cable by the company represented by Scrymser.

BUCK.

DIPLOMATIC,
FEB 9 1899
BUREAU.

2D ASSISTANT SECRETARY,
Copy to Secretaries of War and Navy for their information.
FEB 9 1899

No. 235.

INDEX BUREAU
REC'D.
8 FEB '99
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 9, 1899.

√ Rcbd
To War & Navy
Jul. 16

Mr. Buck

to the Secretary of State.

Subject:

Attempt of Philippine insurgents to purchase arms in Japan.

No. 235.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 9, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to enclose herewith copy of correspondence upon the subject of the attempt of a number of agents of the Philippine insurgents to purchase a supply of arms and amunition in Japan.

As will be observed from the correspondence, upon receiving information of the alleged plot, I brought the matter to the attention of H. I. J. M's. Minister and sought his co-operation in preventing an illegal shipment of arms to the insurgents in Luzon. At a later date, I was informed by Viscount Aoki that a number of the insurgent agents had interviewed him on the subject of a sale of armsthat he had told them that Japan could not and would not permit any step hostile to the interests of the United States in the Philippine Islands; and that he advised them to leave Japan.

Three of the agents, Marti, Luna and Losada, left Japan for America on the S. S. "Nippon Maru" on December 27, 1898.

The report that Mr. Hoshi or other prominent Japanese were in any way interested in the enterprise, I think wholly unfounded.

I have the honor to be,

Sir, Your obedient servant,

A. E. Buck

Enclosures:-

1. Military Governor of Manila to Mr. Buck, Dec. 15, 1898.
2. " " " " " Gowey, Dec. 11, 1898.
3. Mr. Harris to Mr. Gowey, December 10, 1898.
4. Mr. Lyon to Mr. Gowey, December 22, 1898.
5. Mr. Lyon to Mr. Gowey, December 25, 1898.
6. Mr. Buck to the Minister for Foreign Affairs, December 26, '98.
7. Mr. Buck to the Governor of Manila. January 7, 1899.
8. Mr. Buck to the Governor of Manila, January 6, 1899.

Copy.

Telegram, from Military Governor of Manila to Minister Buck.

Manila, December 15, 1898.

Honorable Alfred E. Buck,

U.S.Minister, Japan, - Tokio.

" Reported that Luzon insurgent agents proceeding to Japan
" to purchase large supply of arms and ammunition which Japan-
" ese promise to land at Tamsui, Formosa. Agents are Morcado
" (Hichano) and Ponce. Please investigate.

(Signed) MILITARY GOVERNOR.

Copy.

OFFICE OF THE U.S. MILITARY GOVERNOR
in the Philippine Islands,
Manila, P.I., Dec. 11, 1898.

Hon. John F. Cowey,
etc etc etc
Yokohama, Japan.-

Dear Sir,

My information is to the effect that negotiations are now pending between the Revolutionary Government here and certain Japanese citizens for the purchase and delivery to the Insurgents of a large quantity of arms and ammunition to the value of over $600,000, Mexican; the money is in Hong Kong.

Two Philippinos, by name Enerique Marcaida and a Mr. Lichanco, are the agents of the Insurgents. They will arrive in Yokohama soon and the arrangements will be consumated either there or in Tokio within the next two or three weeks. They intend to make arrangements to have the arms landed by the Japanese at some port in Formosa, which I understand the Japanese have promised to do, and the insurgent gunboat now at Aparri in the northern portion of Luzon will go there and receive them.

Please ascertain if you can in regard to this matter and cable me should you gain any important information in sufficient time for us to adopt some measure to arrest the enterprise.

I am, very sincerely, etc etc

(Signed) E. A. OTIS,
U.S.Military Governor.

Copy.

CONSULATE OF THE UNITED STATES
OF AMERICA,
Nagasaki, Japan, December 10, 1898.

John F. Gowey, Esquire,
United States Consul General,
Yokohama.-

Sir:

I have the honor to acknowledge receipt of your despatch No: 844, of the 7th instant, informing me that, at the request of Admiral Dewey, commanding the United States Squadron Naval Forces on the Asiatic Station, I am instructed to use every effort to detect and prevent the smuggling of arms into the Philippine Islands from this Consular District, and stating that any useful information bearing on the subject should be promptly forwarded to Admiral Dewey and to your office.

By request of Major-General Otis, Commanding U.S. Army at Manila, dated September 25th, I have had this district under surveillance for the purpose named, and for your information will state that the persons supposed to be engaged in such smuggling are: Col. L.M.Johnson, American; Wm.F.Silvester; Capt. I.N.Nelles;, Capt. of Stmr. "Abbey", landed at Bantagos; M.Charvet, French-American; J.H.Grines; Lewis L.Etzel; Leonardo Barreto. I am informed that they use their nationality as suits their convenience and purpose.

I am, Sir,

etc., etc? etc.

(Signed) CHARLES R. HARRIS'
U.S.Consul.

Copy.

CONSULATE OF THE UNITED STATES,

Osaka and Hiogo, Japan ,

Hiogo, December 21, 1898.

John F. Gowey, Esquire,

etc etc etc

Yokohama.-

Sir:

For your information in connection with my No. 435, of the 14th instant, I have to state that a young man named Jerome V.Alvarez Remedie, or Jerome V.R.Alvarez, which latter name I believe he intends to use for the present, left last night for Yokohama by rail. This person, while under the influence of liquor, made a statement to a Mr. M.S.Hill, an American residing in this city, that he had been offered a position in the Custom House at Manila and had accepted; that he was going first to Yokohama where parties were buying arms for the Manila insurgents, and would probably sail from that port on a ship carrying a lot of ammunitions of war to Aguinaldo's followers. Alvarez carries a letter of introduction to a Mr. W. Grantoff, of No. 153, Yokohama, and may be found about that gentleman's place of business.

He further stated that the position had been tendered him by a Mr. Gegico of the Manila Customs with the understanding that he should use his position in the interests of the insurgents.

I am sending this for what it is worth, but it may be well to have the movements of Alvarez watched during his stay in Yokohama, also the movements of an elderly person named F. de Roza, who has recently arrived here from Manila and will I understand soon be in Yokohama. Of the latter's movements, however, I will advise you by letter or wire.

I am, etc, etc

(Signed) SAMUEL S. LYON
Consul.

Enclosure with Mr. Buck's No. .

(Copy)

No. 459.

Consulate of the United States of America,

Kobe, December 25th, 1898.

John F. Gowey, Esquire,

Consul of the United States,

Yokohama.

Sir:-

I enclose herewith for your information a despatch I have just written to Consul General Wildman at Hong Kong.

There is something decidedly suspicious about the movements of the "Tsukijima Maru" mentioned therein. The man Rosa asserts that both Count Okiyama(?) and ex-Minister Hoshi are interested in the matter of supplying Aguinaldo with arms and ammunition and that both men are behind the man Sampepe, who, Rosa claims, is Aguinaldo's agent and is living in a temple in Yokohama disguised as a Japanese. His address , as given me by Rosa, is No. 637, MiyakojiYama, Kitagata, Korakigun. Wildman seems to have the utmost confidence in Rosa, as is evidenced by the letter of introduction referred to in my despatch to the former.

I am, as stated in my communication to Wildman, sending this for what it is worth but it will do no harm to have the movements of the man Sampere watched.

If the Department grants me authority to employ the services of a detective, it is my intention to send someone from here to Moji and Karatsu by the S.S. "Tsukijima Maru", if possible.

I am, Sir,

Your obedient servant,

(Signed) Samuel S. Lyon.

Consul.

Enclosure with Mr. Buck's No. .

(Copy.)

Legation of the united States,
Tokyo, December 24, 1898.

Dear Viscount Aoki:-

Referring to the conversation I had with you on Thursday, last, upon the subject of a suspected plot of a number of Philippine insurgents and Japanese subjects to introduce into the Philippine Islands large supplies of arms and amunition purchased in Ja Japan, I beg to enclose to Your Excellency copies of correspondence received by me which shows the names of a number of a number of Philippines and Americans supposed to be implicated.

There are a number of agents of the Philippine insurgents now stopping at Yokohama-some at the Club Hotel- and I shall be obliged if Your Excellency could arrange to have them placed under surveillance that the nature of their business in this country may be learned.

In addition, the man Alvares named in a letter from the United States Consul at Kobe, is expected to be in Yokohama with the avowed purpose of purchasing arms. His present place of abode is to me unknown.

Very truly yours,

(Signed) A. B. Buck.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 7, 1899.

Major General ~~General~~ E.S.Otis,

Military Governor, Manila.-

Sir:

Refering to your telegram of the 15th ultimo, which was confirmed in my despatch of the 23rd ultimo, and also to my cipher telegram of yesterday, confirmed upon the overleaf herein, I have to say that my telegram was sent in consequence of an interview had yesterday with the Japanese Minister of Foreign Affairs. The Minister informed me, in confidence, that four insurgents (Marti, Luna, Losada and Riego de Dios) openly sought an interview with him, which he granted, receiving them unofficially; that they stated to him that their people were in need of arms and ammunition to be ready to defend themselves in event of hostilities between themselves and the Spanish or Americans, and appealed to him for assistance in procuring them on the ground of a common interest that the Philippos had with the Japanese in protecting themselves against foreign aggression; stating also that they had credentials from their so-called Government.

To this the Minister replied that, though speaking unofficially and as a private person, under no circumstances could they receive from Japan any aid in their enterprise or any encouragement whatever of any purpose that contemplated antagonism to the United States; that Japan would not countenance any attempt to obtain munitions of war for the purpose indicated; that they, the Philippos, should harmonize with the United States forces; that they would make a mistake by antagoni-

sing

ging the latter, and that they, the agents, ought not to remain in Japan with any such purpose as indicated in view and had better leave the country.

The agents then expressed a purpose to go to the United States, upon which the Minister commended that course and suggested that they represent their cause to the United States Government. The names of Marti, Losada and Luna appear in the passenger list of the "Nippon Maru", which sailed for San Francisco, via Honolulu, on the 27th ultimo.

I am quite confident that there is little or no reason to apprehend that the Insurgents will obtain arms in any way in this country, at most, in any considerable quantities because of the attitude of the Government and because I am informed at the Foreign Office that there are no arms in quantities in possession of private parties, and also because to sell arms is in violation of law, except a few here and there for hunting purposes for which a license has to be obtained.

I am, Sir,

Your obedient servant,

A. E. Buck

Copy.

Reading of cipher telegram, Mr. Buck to Major General Otis, January 6, 1899.

Tokyo ,Japan, January 6, 1899.

Military Governor, Manila.

Confidentially informed insurgent agents sought arms and ammunition through Japanese Government. Were refused and advised to leave country, also to harmonize with American control. Some of them gone to United States. Reliable and confidential.

BUCK.

ANCE SHEETS NO. 360
Ordered to print Mar. 10, 1899 to one
DIPLOMATIC, FEB 27 1899 BUREAU.
DIPLOMATIC BUREAU.
2D ASSISTANT SECRETARY, Show to Mr. Cuney. Ack. FEB 9 1899
Mar. 3 1899
BUREAU OF ROLLS & LIBRARY MAR 10 1899 DEPARTMENT OF STATE
INDEX BUREAU REC'D. 8 FEB 99 DEPT. OF STATE

No. 236.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 9, 1899.

Mr. Buck

to the Secretary of State.

Subject:

Japan's Tariff Conventions with Germany and France.

PRINTED IN ADVANCE [illegible]

No. 236.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 9, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to enclose herewith clippings from the "Japan Gazette" of the 6th and 7th instant, giving English translations of the Tariff Conventions recently concluded by Japan with Germany and France whereby the ad valorem tariff charges fixed by the Tariff Conventions annexed to the new Treaties with those countries are converted into specific duties.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

Enclosures:-

Clippings from Japan Gazette.

The Japan Gazette.

YOKOHAMA, 7TH JANUARY, 1899.

With Mr Bucks No 236, of January 9th 1899

CURRENT TOPICS.

SUPPLEMENTARY TREATY BETWEEN GERMANY AND JAPAN.

The following Supplementary Treaty between Germany and Japan was published in the *Official Gazette* of the 30th December, 1898:—

The Governments of His Majesty the Emperor of Japan and of His Majesty the Emperor of Germany and King of Prussia, in accordance with Clause 2 in Art. III of the Protocol annexed to the Treaty of Commerce and Navigation, signed at Berlin on the 4th of April, 1896, have agreed to the following articles:—

1.—The Tariff annexed to this Treaty shall be substituted for the *ad valorem* Tariff attached to the Protocol concluded on the 4th of April, 1896. It shall be subjected to all the stipulations given in Art. III of the said Protocol as far as applicable and shall be put into force on and after the 1st of January of the 32nd year of Meiji (Jan. 1st, 1899).

2.—This Treaty is supplementary to the Treaty and Protocol concluded on the 4th of April, 1896, and shall be in force during the same period as the latter.

In witness whereof the undermentioned Viscount Aoki Shuzo, Minister of State for Foreign Affairs, of His Majesty the Emperor of Japan, and Count Casimir Von Leyden, His Imperial Germanic and Prussian Majesty's Envoy Extraordinary and Minister Plenipotentiary, having been furnished with the necessary powers, have signed and sealed the present Treaty.

Done in Duplicate at Tokyo this 26th day of the 31st year of Meiji (Dec. 26th, 1898).

Signed Viscount AOKI SHUZO.
" Count VON LEYDEN.

ANNEXED TARIFF.

No.	Subscription.		Duty.
	COTTON TISSUES:—		Yen.
1	Velvets, Velveteens...	sq. yd.	0.041
2	Cotton tissues of all other sorts, pure cotton or mixed with flax, or other fibre, including wool, cotton, however, predominating, not specially mentioned in this tariff.		
	Drills	"	0.016
	Duck.....	"	0.058
	Handkerchiefs in the piece	"	0.011
	Prints	"	0.012
	Sateens, plain, printed or figured, brocades, Italians and figured shirtings.....	"	0.017
	Shirtings, dyed	"	0.013
	" grey	"	0.006
	" twilled.....	"	0.011
	" white or bleached.....	"	0.010
	T-cloths	"	0.009
	Turkey red and cambrics	"	0.012
	Victoria lawns.....	"	0.006
	All other sorts of pure cotton tissues, and all tissues of cotton mixed with flax, hemp or other fibre, including wool, the cotton, however, predominating in weight, not especially provided for in this Tariff.	*ad val.*	10 per cent.

Note.—It is expressly understood that ready-made clothing and other made-up articles are not included under the heading of Cotton Tissues.

8	Lead, pig and ingot...	per 100 kin	0.316	
	CHEMICALS AND DRUGS:—			
4	Amorphous phosphorus	per kin	0.165	
5	Bismuth Subnitrate...	"	0.206	
6	Bromide—			
	a. Of potash	"	0.098	
	b. All other kinds ...	*ad val.*	10	per cent.
7	Quinine.....	"	8	"
8	Chloride of potash ...	per 100 kin	2.267	
9	Dynamite.....	per kin	0.056	
10	Iodide of potash	*ad val.*	10	per cent.
11	Nitrate of potash (saltpetre)	per 100 kin	0.490	
12	Salicylic acid	*ad val.*	10	per cent.
	WIRE:—			
13	Telegraph-wire—			
	a. Telegraph or galvanized wire of iron or mild steel...	per 100 kin	0.256	
	b. All other Telegraph wire	*ad val.*	5	per cent.
14	Other than Telegraph wire—			
	a. Iron and mild steel wire, and small rod not exceeding ¼ inch in diameter ...	per 100 kin	0.503	
	b. Steel (other than mild) wire, and rod not exceeding ¼ inch in diameter	"	1.819	

Note.—By the term "mild steel" as used in this Tariff is understood mild steel manufactured by the Siemens, Bessemer, Basic or similar processes, and approximating in value to iron of the same class in this Tariff.

	IRON, MILD STEEL AND STEEL:—			
15	Pig and ingot—			
	a. Of Iron and mild steel	per 100 kin	0.068	
	b. Of Steel (other than mild)	*ad val.*	5	per cent.
16	Rails:—			
	a. Of Iron and mild steel.....	per 100 kin	0.129	
	b. Of Steel (other than mild)	*ad val.*	5	per cent.
	BARS, RODS, AND PLATES:—			
17	Of Iron and mild steel—			
	a. Bar and rod, exceeding ¼ inch in diameter	per 100 kin	0.261	
	b. Plate and Sheet.	"	0.296	
18	Of Steel (other than mild)	*ad val.*	7½	per cent.
19	Sheet, Galvanized, both plain and corrugated—			
	a. Of iron and mild steel.....	per 100 kin	0.740	
	b. Of steel (other than mild)	*ad val.*	10	per cent.
20	Tinned Plates:—			
	Of Iron and mild steel—			
	a. Ordinary	per 100 kin	0.691	
	b. Crystallized	*ad val.*	10	per cent.
	Of Steel (other than mild)	"	10	"
21	Pipes and Tubes	"	10	"
22	Railway Carriages for Passengers, and parts thereof.....	*ad val.*	5	per cent.

23	Iron and Mild Steel Nails :— Including wire nails, spikes, sprigs, tacks and brads—		
	a. Plain	per 100 kin	0.573
	b. Galvanized	*ad val.*	10 per cent.
24	Bolts and nuts, plain and galvanized	*ad val.*	10 per cent.
	Window Glass, ordinary :—		
25	Uncoloured and unstained	per 100 sq. f.	0.802
26	Coloured, stained and ground	*ad val.*	10 per cent.
	Dyes, Dye-stuffs and Paints :—		
27	Aniline dyes	*ad val.*	10 per cent.
28	Alizarine dyes		
29	Logwood extract ...		
30	Paint in oil	per 100 kin	1.804
	Yarns, plain or dyed :—		
31	Of cotton	per 100 kin	4.180
32	*a.* Of linen, for weaving purposes	,,	6.527
	b. Of hemp or jute, for weaving purposes	*ad val.*	8 per cent.
	Of wool, also combed, or worsted :—		
33	For weaving purposes	per 100 kin	8.000
34	For other purposes ...	,,	9.169

Note to Nos. 31, 32, 33 and 34.—It is expressly understood that all mixed yarns of cotton, linen, hemp, jute or wool (combed or worsted) are to be classed for duty according to the material predominating.

35	Yarns, all sorts, not specially provided for in this Tariff	*ad val.*	10 per cent.
36	Silk-faced Cotton Satin	,,	10 ,,
37	Hops	per kin	0.029
38	Hats, including also felt hats	*ad val.*	10 per cent.
39	Caoutchouc, manufacture of.....	,,	10 ,,
40	Linen Tissues		
	Canvas .....per sq. yd.		0.047
	All other sorts ...ad val.		10 per cent.

Note.—It is expressly understood that ready-made clothing and other made-up articles are not included under the heading of Linen Tissues.

	Leather :—		
41	Sole	per 100 kin	5.690
42	Other kinds	*ad val.*	10 per cent.
43	Railway Engines and parts thereof	,,	5 ,,
	Milk :—		
44	Condensed or desiccated .....per doz. 1 lb. tins.....0.123		
	[All proportionately for tins of other weight.]		
45	Sterilized	*ad val.*	5 per cent.
46	Paper of all kinds :—		
	a. Printing paper—		
	1. Weight not exceeding 24 lbs. per 500 sheets of not less than 1086 sq. inches per sheet.....	per 100 kin	0.800
	2. All other kinds..	,,	1.163
	b. All other kinds of paper	*ad val.*	10 per cent.
47	Oil, Paraffin	,,	10 per cent.
48	Wax Paraffin	per 100 kin	0.544
49	Cement, Portland.....	,,	0.065
50	Clocks (excepting watches) and parts of clocks	*ad val.*	10 per cent.

Woollen and Worsted Tissues of all Kinds pure or mixed with other Material, wool, however, predominating :—

51	Blanketing and whipped blankets, plain woven	per 100 kin	7.458
52	Flannels :—		
	a. All wool	per sq. yd.	0.044
	b. Wool and cotton mixture	,,	0.030
53	Mousselines-de-Laine		
	a. Plain or White..	,,	0.018
	b. All other kinds...	,,	0.021
54	Cloth :—		
	a. Wholly of woollen or worsted yarn, or of woollen and worsted yarn, such as broad, narrow and army cloth, cassimeres, tweeds, and worsted coatings	,,	0.093
	b. In part of woollen or worsted yarn and in part of cotton yarn, such as pilot, president and union cloth	,,	0.039
55	Italian cloth, including Italian cloth in which cotton predominates	,,	0.029
56	Other Tisses		
	Alpacas	,,	0.075
	Buntings.....	,,	0.031
	Long ells	,,	0.086
	Serges :—		
	a. Where the warp is worsted and the weft woollen	,,	0.056
	b. All other kinds..	*ad val.*	10 per cent.
	All other sorts, pure or mixed with other material, the wool, however, predominating in weight, not specially provided for in this Tariff	*ad val.*	10 per cent.

Note.—It is expressly understood that ready-made clothing and other made-up articles are not included under the heading of Woollen and Worsted Tissues.

	Zinc :—		
57	Block, pig and slab or plates	100 kin	0.400
58	Sheet	,,	0.880
59	Sugar, Refined :—		
	a. No. 15 to No. 20 inclusive, Dutch standard in colour...	,,	0.748
	b. Above No. 20, Dutch standard in colour.....	,,	0.827

Weights and Measures.

The kin mentioned in this Tariff is the Japanese weight. It is equal to 600 grammes of the metric system of weights, or 1.32277 lbs. English avoirdupois weight.

The pound is the English avoirdupois weight.

The square yard, square foot and square inch are the English Imperial surface measures.

Rule for Calculating *ad valorem* Duties.

Import duties payable *ad valorem* under this Tariff shall be calculated on the actual cost of the articles at the place of purchase, production or fabrication, with the addition of the cost of insurance and transportation or fabrication, to the port of discharge, as well as commission, if any exists.

RULE FOR THE MEASUREMENT OF TISSUES.

In determining the dutiable width of any Tissue the Customs shall discard all fractions of an inch not exceeding half an inch, and shall count as a full inch all fractions exceeding half an inch.

Note.—It is understood that selvedges shall not be included in the measurement of Tissues.

PROTOCOL.

The undersigned, apart from the supplementary Convention signed this day, have agreed upon the following stipulations :—

1.—With regard to the yen mentioned in the Tariff annexed to the aforesaid Supplementary Convention, it is understood that whatever rights belong or may belong to Great Britain in virtue of the description of the yen appended to the Anglo-Japanese Conventional Tariff dated the 16th of July, 1895, shall equally extended to Germany. The Government of His Majesty the Emperor of Japan, however, wishes it to be understood tha this declaration creates no inference as t the existence in favour of Great Britain of any rights in the direction indicated.

2.—Respecting the question of Certificates of Origin at Place of Production and the Legalization of Invoices it is understood, that the words " other proper authorities " appearing in Article II. of the Japanese Imperial Ordinance No. 385, dated the 27th day of the 10th month of the 30th year of Meiji, corresponding to the 27th of October, 1897, are held to include German Police Officers, in the absence of competent Japanese Consular Authorities, and that the term " competent Japanese Consular Authorities " does not include Japanese Honorary Consuls. The Government of His Majesty the Emperor of Japan will take the necessary measures to extend to the German Chambers of Commerce the same competence under like circumstances as is possessed by German Police Officers.

The Government of His Majesty the Emperor of Japan engage that under the new Tariffs, all imports of a dutiable value not exceeding yen 100 shall be exempt from any obligation of being accompanied by Legalized Invoices.

The undersigned have agreed that the stipulations contained in this Protocol shall have the same binding force and the same duration as the Supplementary Convention signed this day.

In witness whereof the undermentioned have signed the same and have affixed thereto their seals.

Done in duplicate at Tokyo, this 26th day of the 12th month of the 31st year of Meiji, corresponding to the 26th December, 1898.

(Signed) Viscount AOKI.
(L. S.)
" Count VON LEYDEN.
(L. S.)

The Japan Gazette.

YOKOHAMA, 6TH JANUARY, 1899.

With Mr Bucks No 236, of January 9th, 1899.

THE SUPPLEMENTARY TREATY BETWEEN FRANCE AND JAPAN.

The Supplementary Treaty between Japan and France which has recently been concluded, was published in the extra of the *Official Gazette* of the 30th December. It reads as follows:—

His Majesty the Emperor of Japan and the President of the French Republic being desirous of fulfilling the agreement specified in Clause 2 of Art. I of the Protocol annexed to the Treaty of Commerce and Navigation between Japan and France concluded at Paris on the 14th of August, 1896 (which agreement stipulates that the *ad valorem* tariff attached to the said Protocol shall be replaced by a specific tariff within six months from the date of ratifications and exchange of the said Treaty the term of the six months in question being afterwards postponed) have appointed Viscount Aoki Shuzo, *Junii*, First Order of Merit, Minister for Foreign Affairs, as Representative of His Majesty the Emperor of Japan, and Francois Jules Harmand, Commander de la Legion d'Honeur, First Class Order of the Rising Sun, as representative of the President of the French Republic. The said Representatives having mutually shown the necessary powers furnished by the respective sovereigns and found them to be correct have conferred together and agreed to the following articles:—

Art. I.—The Tariff hereto annexed shall be substituted for the Tariff annexed to the Protocol of the 4th of August, 1896, and shall be applicable to all French products imported into Japan. The Tariff shall be put into force immediately after the copies of this Treaty are ratified and exchanged.

Art. II.—This Treaty shall remain in force during the same period as that for the Treaty and Protocol concluded on the 4th of August, 1896.

Art. III.—This Treaty shall be subject to ratifications to be exchanged at Tokyo as soon as possible within six months from the date of its signature.

Done in duplicate at Tokyo 25th day of the 12th month of the 31st year of Meiji, corresponding to the 25th day of December, 1898.

Signed Viscount Aoki Shuzo,
Signed G. Harmand.

ANNEXED TARIFF.

No.	Description.		Duty. yen.
1	Aniline dyes	*ad val.*	10 per cent.
	Cotton Tissues:—		
2	Drills	sq. yd.	0.016
3	Ducks	,,	0.053
4	Handkerchiefs in the piece	,,	0.011
5	Prints	,,	0.012
6	Sateens, plain, figured or printed brocades, Italians and figured shirtings		0.017
7	Shirtings, dyed	,,	0.013
8	,, grey	,,	0.006
9	,, twilled	,,	0.011
10	,, White or bleached	,,	0.010
11	,, T-cloths	,,	0.009
12	,, Turkey red cambrics	,,	0.012
13	,, Plush or velvets	,,	0.041
14	Victoria lawns	,,	0.006
15	All other kinds of pure cotton tissues and all tissues of cotton mixed with flax, hemp or other fibre and also wool, the cotton, however, predominating in weight, not especially provided for Tariff in this	*ad val.*	10 per cent.
	Note.—It is to be understood that ready-made clothing and other made-up articles are not included under the heading of Cotton Tissues.		
16	Iron, bar and rod exceeding ¼ inch in diameter	per 100 kin	0.261
	Note.—The word "mild steel" as used in this Tariff is held to mean mild steel manufactured by the Silmens, Bessmer, Basic or similar processes and approximating in value to iron of the same class in this Tariff.		
17	Logwood Extract	per 100 kin	2.150
18	Silk and Silk Cotton Sateens	*ad. val.*	10 per cent.
19	Steel, pig and ingot	,,	5 ,,
	Woollen and Worsted Tissues of all kinds pure or mixed with other material:—		
20	Alpacas	sq. yd.	0.075
21	Blanketing and whipped blankets	per 100 kin	7.458
22	Buntings	sq. yd.	0.031
23	Cloth:—		
	a. Wholly of woollen yarn or worsted or of woollen and worsted yarn, such as broad, narrow and army cloth, Cashmeres, tweed, and worsted coatings	sq. yd.	0.093
	b. In part of woollen or worsted yarn and in part of cotton yarn, such as pilot, president and union cloth	,,	0.039
24	Flannels:—		
	a. Of Wool	,,	0.044
	b. Wool and Cotton	,,	0.030
25	Italian cloth	,,	0.029
26	Long-ells	,,	0.036
27	Mousseline de laine:—		
	a. Plain and white.	,,	0.015
	b. Dyed and printed	,,	0.021
28	Serges:—		
	a. Where the warp is worsted and the woof woollen	,,	0.056
	b. All other kinds.	*ad val.*	10 per cent.
29	All other kinds, pure or mixed with other material, the wool, however, predominating in weight, not specially provided for in this Tariff	*ad val.*	10 per cent.
30	Woollen and worsted yarn, plain or dyed.	per 100 kin	8.000
	Note.—It is to be nnderstood that ready-made clothing and other made-up articles are not included under the heading of Woollen and Worsted Tissues.		
31	Soap (ordinary)	per 100 kin	0.972
32	Candles (made of animal fat or wax)	per 100 kin	2.146
33	Wines of all kinds, not effervescent		

	(brewed by natural fermentation) :—		
	Not containing more than 16 per cent. of alcohol :—		
	a. In barrels... ...	per hectolitre	1.242
	b. In 12 bottles of each containing more than half a litre but less than a litre or 22 bottles of each containing less than half a litre ...	per case	0.760
	Containing more than 16 per cent. of alcohol but not exceeding 24 per cent :		
	a. In barrels.. ...	per hectolitre	7.925
	b. In 12 bottles of each containing more than half a litre but less than a litre or 24 bottles of each containing less than half a litre ...	per case	0.680

NOTE.—Vermouth is included under the heading of wines (not effervescent) but the per centage of alcohol shall be subject to stipulations made in this item.

	Champagne and all other kinds of effervescent wine (brewed by natural fermentation) in 24 bottles of each containing not more than half a litre or in 12 bottles of each containing more than half a litre but not exceeding a litre ...	per case	1.550
5	Printing machine ...	*ad val.*	5 per cent.
6	Drawing instrument..	*ad val.*	10 per cent.

SMALL WARES.

7	Imitation Personal ornaments exclusively made of alminium, alminium bronge, nickel, German silver, white metal, copper, steel, zinc, lead, pewter, iron, and other common metals or jet, hardened wood, seeds, shells, horns, celluloid, animal bones and other common material :—		
1	Ornaments gilted, silver-plated, worked with nitric acid, polished, of imitation lacquer, tin-plated, oxidized, nickel-plated, set with vitrification cloisonne, imitation pearls, genuine or imitation corals, imitation precious stones.....	*ad val.*	10 per cent.
2	Ornaments set with pearls, ivory or tortoise-shells, covered with gold or silver foils (the value of such gold or silver not to exceed the value of principal material composing ornaments)	*ad val.*	10 per cent.

Note.—The word "small wares" as used in this Tariff is held to mean rings, ear-rings, bracelets, brooches, medallions, combs, hair-pins, ornaments for bonnets, pins for neck-ties, chains and ornaments for watches, snuff boxes, buttons (ordinary buttons excepted), purse, ornaments for sticks and umbrellas, pencils and other small ornaments.

88	Opera Glasses :—		
	a. Ornamented with shells, pearls, ivory, gold, silver, platinum and other valuable and luxurious articles or set with precious stones or pearls.....	each	0.750
	b. All Other kinds of opera glasses.....	each	0.250
89	Perfumery :—		
	a. For toilet soaps.	per kin	0.070
	b. In liquid, *i.e.* essential and perfume oil, vinegar, perfume water, alcohol and other materials perfumery	per kin	0.092
	c. All other perfumery not in liquid *i. e.* salt, powder, cosmetic, pomade, paste and other manufactured toilets.	*ad val.*	10 per cent.

Note.—Natural and artificial musk, civet and grey amber are not included under this heading.

WEIGHTS AND MEASURES.

The kin mentioned in this Tariff is equivalent to 600 grammes French measurement.

The yard is equal to 0.9144 metres French.

The square yard is the French 0.8361 square metre.

The hectolitre is equal to 100 litres French.

The yen is the standard value of Japanese currency.

RULE FOR CALCULATING "AD VALOREM" DUTIES.

Duties payable *ad valorem* under this Tariff shall be calculated on the actual cost of the articles at the place of purchase, production or fabrication, with the addition of the cost of insurance and transportation from the place of purchase, production or fabrication, to the port of discharge, as well as commission, if any exists.

RULES FOR THE MEASUREMENT OF TISSUES.

In determining the dutiable width of any Tissue the Customs shall discard all fractions of an inch not exceeding half an inch, and shall count as a full inch all fractions exceeding half an inch.

Note.—It is understood that selvedges shall not be included in the measurement of Tissues.

We, Mutsuhito, the Emperor of Japan, after having carefully examined the articles of this Supplementary Treaty signed by the representatives of France and Japan on the 25th December, 1898, have found it to Our satisfaction and given it the necessary ratification.

In witness whereof We personally subscribed Ourselves and caused the seal to be affixed at the Palace in Tokyo this 29th day of December, the 31st year of Meiji.

Imperial Signature Seal Signed.

Viscount AOKI SHUZO,
Minister for Foreign Affairs.

DIPLOMATIC,
FEB 9 1899
BUREAU.

INDEX BUREAU
REC'D.
8 FEB '99
DEPT. OF STATE

2D ASSISTANT SECRETARY,
Ack by subject
[For. Rels 1898.]
FEB 9 1899

No. 237.

Hale
Mar 2 99

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 9, 1899.

Mr. Buck

to the Secretary of State.

Subject:

Passage of the Land Tax Increase Bill, and other important legislation.

No. 237.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 9, 1899.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to inform you that on the 20th ultimo a bill increasing the land tax on rural property by .8 % and that on urban property by 2.5 % was passed by the Lower House by a safe majority, thanks to the support of the Liberal Party and of some independents. This makes the total tax on rural property 3.3 %(.7 % less than proposed by the Government) and on urban property 5.%. The operation of this law is conditional upon the simultaneous reassessment of the taxable values of lands, where inequalities of incidence now occur, which reassessment is assured by a bill passed at the same time. The changes made by the committee of the Lower House reduced by about half the revenues to have accrued from the bill as introduced by the Government, which provided for a general increase from 2.5 to 4 % on all lands. The period of operation of the law is set at five years.

A series of Government bills for increasing the revenue to be derived from the saké tax, which includes the increase of the tax on various kinds of saké from 6 and 7 to I2 yen per koku, and on alcohol and spirits from 8 to I3 yen per koku, the prohibition of private brewing for domestic use, and the limit-

ation

ation of the holders of licences to brew to those manufacturing a considerable amount, has also been passed. From this source additional revenue of at least 23 million yen is expected.

These two important revenue measures being inadequate quite to meet the expenses of carrying out the post bellum programme, in order to make up the deficit, recourse is being had to a number of smaller means of swelling the national revenue, to wit, by a bill for empowering the Bank of Japan to increase its issue of notes, such issue to be taxed at I.5%, a bill amending the income tax, a bill amending the statutory tariff so as to raise the duties on Chinese saké, alcohol, and tobacco, and a bill extending the tobacco monopoly to imported tobaccos, of which the Government would thus become the sole purchaser. These bills are now in various stages of passage.

Of legislation of interest to foreigners in Japan may be mentioned bills now in the hands of committees providing for changes in the press laws by which the restriction upon nationality is removed and any resident of the age of at least twenty-one may edit, publish, or print a paper in Japan; and also a modification of the business tax law (No.33 issued I896), in the sense that when there are stores or other business premises at several places in Japan and abroad, if the capital is not differentiated, the portion of it that is employed at each place of business in Japan shall be estimated and the tax shall be imposed upon that portion, though some of the business premises be in places where the law is not operative.

Early in the session of the present Diet a sum of twenty million yen was voted to be transferred to the Crown Property from the Chinese indemnity, and was formally accepted by the Emperor. The same spirit of solicitude for the welfare of the Imperial

perial family is to be seen in a vote of funds for the repair and preservation of some of the ancestral imperial tombs.

The above sums up the important legislation thus far. It is undoubted that the Government is deeply indebted to the Liberal Party for their staunch support, by which alone the necessary laws could be passed, While the present cabinet will in all probability remain in office until the end of the present session of the Diet, it is generally believed that thereafter a number of portfolios will be given to Liberals and the Premier's portfolio, very likely, to Marquis Ito , who, though not yet actually a member of any party, has always had cordial relations with the Liberals.

I have the honor to be,

Sir,

Your obedient servant,

W. G. Beach

File

DIPLOMATIC,
FEB 9 1899
BUREAU.

No. 238.

INDEX BUREAU
REC'D.
8 FEB '99
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 9, 1899.

Mr. Buck

to the Department of State.

Subject:

Reading of cipher telegram.

No. 238.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 9, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to append on overleaf the reading of your cipher telegram dated January 3, 1899.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

(Over.)

Telegram.

Washington, January 3,1899.

Tokio, Buck, Minister.

Until Congress acts the Department cannot gi
you official instructions as to cable. I simply wished you to
understand that I did not disapprove concession in opposition to
Scrymser's enterprise. Hay.

File

DIPLOMATIC,
FEB 8 1899
BUREAU.

INDEX BUREAU
REC'D.
7 FEB '99
DEPT. OF STATE

NO. 239.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 16, 1899.

Mr. Buck,

to the Secretary of State.

Subject:

Confirming telegrams of the 21st and 23rd December relative to the operation of the Universal Postal Convention in Japan.

NO. 239.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 16, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to confirm herein, on the overleaf, readings of the Department's telegram of the 21st ultimo relative to the putting into operation by Japan of the Universal Postal Convention, and my reply thereto of the 23rd ultimo.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosures:

Readings of telegrams as noted.

DIPLOMATIC,
FEB 8 1899
BUREAU.

No. 240.

INDEX BUREAU
REC'D.
7 FEB 99
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 18, 1899.

Mr. Buck

to the Secretary of State.

Subject:

Memorandum on the treatment of prisoners charged with criminal offenses.

No. 240.

LEGATION OF THE UNITEDSTATES,

Tokyo, Japan, January 16, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to enclose herewith a copy of a memorandum in respect to privileges desired to be granted to American citizens who may be held in arrest and confinement by Japanese authorities under charges for criminal offenses after extra-territorial jurisdiction shall cease, which memorandum was informally submitted by me in person to the Minister of Foreign Affairs on the 12th instant.

In view of the new treaty going into effect in July next, I was induced to take this course by reason of the practice in Japanese courts of keeping persons accused of crime in close confinement until after preliminary examination. Since the ex parte testimony taken at the preliminary trial in Japanese courts is used as evidence upon final trial, and since there is no opportunity for counsel for the accused to cross examine witnesses upon the trial, it is of great importance that the privilege asked for be granted.

While I could not expect the Code of Criminal Procedure to be amended so as by law to grant the privileges desired, because many other countries having treaties with Japan do not grant such privi-

privileges, yet, in consideration of the fact that the United States, as well as Great Britain, does grant such privileges, I thought, as a matter of reciprocal courtesy, that Japan should accord to our citizens charged with criminal offenses such privileges as are accorded to Japanese subjects in the United States.

Knowing that the present Minister of Foreign Affairs, who seems to desire to do all possible to smooth the way for the transition from extra-territorial jurisdiction to Japanese jurisdiction, expects soon to retire from the Cabinet, I thought it best at once, while he was in office, without waiting for instructions, to present the matter as I have.

On presenting the memorandum, the Minister of Foreign Affairs expressed an earnest desire that such privileges as were accorded Japanese subjects under arrest for criminal offenses in the United States should, as a matter of course, be granted to United States citizens under arrest in Japan, and assured me of his purpose, if practicable, to see that this was done in respect to the particular matter set forth in the memorandum, though he had not been aware that the Code of Criminal Procedure did not already grant the privileges sought.

I may add that the British Minister is asking like action in behalf of British subjects.

I have the honor to be,

Sir,

Your obedient servant,

Enclosure:

Copy of Memorandum as above set forth

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I may add that the British Minister is asking like action in behalf of British subjects.

I have the honor to be,

Sir,

Your obedient servant,

W. W. Rockhill

Enclosure:

Copy of Memorandum as above set forth

Memorandum to proposed supplementary convention or protocol with Japan.

Our new treaty with Japan, by which this Government relinquishes the jurisdiction now exercised by our Consular Courts in that country, goes into operation July 17th next. In view of the fact that there is no provision made in that treaty respecting the disposition of cases which may be then pending and under adjudication in our Consular Courts, or for the care and disposition of the United States prisoners who may at that time be undergoing sentence of confinement, Minister Buck recommends the conclusion with Japan of a supplementary protocol or convention touching these matters.

He quotes the provision in the treaty between Japan and Germany, which he states is substantially similar to that in the treaties of Japan with the Netherlands, Switzerland, Spain and France, viz:

"Notwithstanding the fact that from the date of the operation in its entirety of the Treaty of Navigation and Commerce signed to-day, the judicial powers of the German consular officers hitherto exercised in Japan shall be annulled, both High Contracting Parties hereby agree that, with regard to all cases pending and in course of adjudication at the time of the operation of this treaty, the said judicial powers shall be continued until decision in such cases has been rendered."

Mr. Buck calls attention to the fact that this makes no provision in respect to the care and custody of our prisoners who may be undergoing sentence, and he suggests the propriety of making in the proposed protocol or convention provision touching this matter.

The diplomatic and consular appropriation act, which has passed the House and is now pending in the Senate, makes provision for the maintenance of our consular prisons in Japan, and the care and custody of prisoners, for the fiscal year ending June 30, 1900, nearly a year after the new treaty goes into operation. It may be deemed advisable to secure by protocol or convention the consent of the Japanese Government to continue these prisons temporarily. It would seem advisable for the U. S. to provide by legislation for the transfer to prisons in the United States at as early a date as practicable after the termination of our consular jurisdiction, of prisoners undergoing imprisonment in our consular jails in Japan.

Mr. Buck further calls attention to provisions in Consular Conventions between Japan and Germany, and Japan and Belgium, whereby provision is made for the administration by Consuls of the respective countries jointly with the authorities of Japan, of the estates of such of their nationals as die intestate in Japan. And he suggests the conclusion of a similar arrangement between the United States and Japan.

While the United States may be able to conclude such an arrangement with Japan, it would appear to be directly opposed to the stipulations of our treaty with Japan which goes into effect in July next. The probate jurisdiction here referred to is now exercised by our Consular Courts in Japan. The concluding part of Art. XVIII. of the treaty provides that---

"the jurisdiction then (July 17 next) exercised by Courts of the United States in Japan and all the exceptional privileges, exemptions and immunities then enjoyed by citizens of the United States as a part of, or appurtenant to such jurisdiction, shall absolutely and without notice cease and deter-

mine, and ~~therefore~~ thereafter all such jurisdiction shall be assumed and exercised by Japanese Courts."

As the treaty with Japan was negotiated and signed at Washington, it may be deemed best to take up the matter of a supplementary convention or protocol here with the Japanese Minister. I would suggest as a provision covering the substantial points referred to by Mr. Buck, something like the following:

"Whereas Art. XVIII. of the Treaty of Commerce and Navigation of November 22, 1894, between the United States of America and the Empire of Japan, declares that the jurisdiction now exercised by courts of the United States in Japan, shall cease and determine, from the date said treaty comes into force, and the said treaty makes no provision respecting the disposition of cases which may be then pending and in course of adjudication in such courts, the High Contracting Parties have, through their respective plenipotentiaries, agreed upon the following stipulations:-

" 1. It is agreed by the contracting parties that with regard to all cases pending and in course of adjudication in the ~~Consular~~ Courts of the United States in Japan at the time the Treaty of Commerce and Navigation comes into force, the judicial powers of said ~~Consular~~ Courts shall be continued until ~~decision~~ the decision of the court in such cases has been rendered and executed.

" 2. It is agreed that the present system of imprisonment of convicts of ~~the~~ United States ~~Consular~~ Courts in Consular prisons in Japan, shall be maintained until the Government of the United States can arrange for the removal of prisoners to the United States, which it undertakes to do at the earliest date practicable after the termination of consular jurisdiction in Japan."

As this would be a material change in the treaty of 1894, it seems to me it should be effected by a regular convention instead of a protocol.

F.V.

99

MEMORANDUM

It is desired that an American citizen in arrest, accused of a criminal offense, whether in solitary confinement or not, may be accorded the privilege of being visited by a friend or by his representative, both before and after his preliminary examination, and that his counsel or representative may be permitted to attend his preliminary examination.

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In informally presenting the above Memorandum the Minister of the United States does so desiring to call the attention of His Excellency, the Minister of Foreign Affairs , to the fact that, as the Japanese Code of Criminal Procedure does not appear to contemplate that a person accused of a criminal offense shall have the privilege of being visited by by any friend or representative ~~xmxs~~ while in confinement, either before or after the preliminary examination, or the right of his counsel or representative to be present at the examination, an American citizen in Japan, accused of crime, does not seem to have accorded to him the same privileges in this respect that a Japanese subject does in the United States

While some of the western countries do not accord such privileges to an accused person under arrest and in confinement, yet both in the United States and Great Britain the privileges are granted as a matter of right, and often prevent the miscarriage of justice which otherwise would result.

A foreigner in a strange land, having little or no knowledge of the language, having no one to visit him while in

onfinement who may be interested in him and who understands he language, or counsel to be present at the preliminary examination, though innocent and though otherwise he might be ble to show his innocence, might be wrongly committed for rial, however much the committing magistrate might desire to ive him exact justice,— as of course the magistrate would e supposed to strive to do.

These privileges are not claimed for American citizens as matter of right under the Code of Criminal Procedure nor is change in the Code expected, however much it might be desired; ut it is simply suggested that, since Japanese subjects in he United States are accorded such privileges, it would as a matter of comity be very gratifying to have like privileges accorded to American citizens in Japan.

There seems to be nothing in the Code of Criminal Procedure which, in terms, denies such privileges and, in the absence of such denial, it is to be assumed that the granting of such concessions to American citizens would be simply a matter of practice to be determined by the Government.

Supposing that sufficient authority is vested in the Japanese Government, without further legislation, to instruct the Courts to grant such privileges, it is to be hoped that in the case of American citizens in confinement they will be so instructed.

It may be added that such a concession would be received with great gratification and would be esteemed as an additional evidence of the reciprocal friendship between Japan and the United States which has been uniformly manifested.

June 12th 1899

DIPLOMATIC,
FEB 8 1899
BUREAU.

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REC'D.
7 FEB '99
DEPT. OF STATE

NO. 241.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 16, 1899.

Mr. Buck,

to the Secretary of State.

Subject:

Laws relating to the merchant marine of Japan.

No. 241.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 16, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to acknowledge receipt of instruction No. 177 of December 14, last, directing me to obtain for the Bureau of Navigation copies of the laws relating to the merchant marine of Japan.

In reply I beg to call attention to copies of the laws and regulations for the encouragement of navigation and of shipbuilding transmitted for the Bureau of Navigation with my predecessors Nos. 411 and 416, of dates September 14 and October 1, 1896, respectively. Duplicates of these laws, together with copies of such other laws as can be obtained bearing on the subject of the Japanese merchant marine will be forwarded as soon as translations can be prepared.

I am, Sir,

Sir,

Your obedient servant,

A. E. Buck

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REC'D.
16 FEB '99
DEPT. OF STATE

DIPLOMATIC,
FEB 16 1899
BUREAU.

NO. 242.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 24, 1899.

Mr. Buck,

to the Secretary of State.

Subject:

Laws and Regulations relating to the Merchant Marine of Japan.

NO.242.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 24, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

Referring to my despatch No. 241, of the 16th instant, relating to the laws and regulations of the merchant marine of Japan, I have the honor to enclose herewith the following translations:

No. 1 Law for the Encouragement of Navigation

Regulations relating to the same

No. 2 Law for the Encouragement of Shipbuilding

Regulations relating to the same

No. 3 Customs Law, Regulations, etc(pages 235 ff of Encl. 3)

No. 4 Pilotage Regulations

No. 5 Salvage Regulations

No. 6 Law relating to Masters, Mates and Engineers

to translations

I beg to call attention bearing on the same subject that have previously been sent to the Department of State or the Treasury Department , copies of which have not yet been or cannot now be , procured here , to wit:

Law relating to the Prevention of Collisions at Sea, (International Rules, reported in No. 407, of September 3, 1896, by Mr. Dun to the Department).

Measurement

Rules for Measurement of Vessels (reported in the Department's No. 395, of March 6, 1897, to Mr. Dun).

Laws relating to Commerce by Sea, Book V, of Commercial Code (Dr. Lonholm's translation, transmitted with my No. 173 of July 26, 1898. Now out of print).

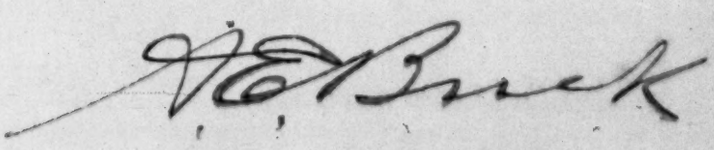
List of Merchant Vessels of Japan, (with my No. 199 of September 20, 1898).

I also have the honor to enclose further a list of the laws and regulations of Japan relating to the merchant marine complete as far as known. These will be translated and forwarded to the Department as rapidly as practicable, unless in the opinion of the Chief of the Bureau of Navigation some of the enclosed list may be deemed unnecessary . A number of bills revising and amending the existing regulations have been introduced in the Diet now in session, so that there would seem to be no real time lost in a little delay.

I have the honor to be,

Sir,

Your obedient servant,



Enclosures:

Laws and Regulations relating to the Merchant Marine of Japan.

DIPLOMATIC,
FEB 18 1899
BUREAU.

2D ASSISTANT SECRETARY,
Ack & file.
FEB 17 1899

No. 243.

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LEGATION OF THE UNITED STATES,

Tokyo, Japan, Jaouary 23, 1899.

Ackd 3/1/99
Mar. C

Mr. Buck

to the Secretary of State.

Suoject:

Pacific Caole Enterorise.

No 243.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 23, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to append on overleaf the reading of your cipher telegram of the 14th instant, relative to the cable enterprise of Mr. Scrymser.

Although this cable was received on the evening of the 17th instant, after the departure of Mr. Scrymser from Japan, I nevertheless, informally brought it to the attention of the Minister for Foreign Affairs, who informed me that it could not receive consideration because his Government preferred not to act until the United States had taken the initiative, and because of a promise made to the British Minister that Japan would take no steps towards entering into a contract for the construction of a Pacific cable until the British companies had been heard.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

(Telegram.)

Washington, January 14, 1899.

Buck, Minister, Tokio.

It would be agreable to the United States if Japanese Government sees fit to give a contract to Mr. Scrymser's company to lay a telegraphic cable or cables from Japan to the Uni States via Aleutian Islands and Sitka route. This is not to be exclusive against him or routes.

Hay.

DIPLOMATIC,
FEB 17 1899
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DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 23, 1899.

Mr. Buck

to the Secretary of State.

Subject:

Consular Reports received.

No. 244.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 23, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I nawe the honor to acknowledge the receipt of copies of the Consular Reports for the months of June -- December, 1898, inclusive.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

Ack by subject

DIPLOMATIC,
FEB 17 1899
BUREAU.

Ackd Mar 3 '99

No. 242

UNDER SECRETARY'S REC'D. 16 FEB '99 DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 23, 1899.

Mr. Buck

to the Secretary of State.

Subject:

Steps taken by the British Minister to secure modification of the forms of criminal procedure.

5

No. 245.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 23, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

Referring to my despatch No. 240, dated the 16th instant, in relation to the treatment of prisoners charged with criminal offenses prior to ~~and~~ and after during the preliminary examinations, and the steps taken by me to remedy what I consider to be defects in the Japanese forms of criminal procedure, I have the honor to inform you that my British colleague, Sir Ernest Satow, has been kind enough to place in my hands a copy of a despatch from himself to Lord Salisbury, in which he details his actions to secure the same results.

A copy of the despatch is enclosed herewith.

I have the honor to be,

Sir,

Your obedient servant,

Enclosure:-

Copy of despatch from Sir Ernest Satow to Lord Salisbury.

Enclosure with Mr. Buck's No. 245.

(COPY.)

BRITISH LEGATION,

Tokio, January 13, 1899.

No. 15.

My Lord:-

With reference to my despatch No. 213 of 29 December last, and its enclosure, I have the honour to report that I called yesterday on the Minister President by appointment for the purpose of speaking to him on the subject to which it relates.

I said that in a few months more a change would take place in the position of foreigners in Japan, in consequence of the abolition of consular jurisdiction with regard to which negotiations had been pending for a number of years. The idea had been cordially approved in principle by Her Majesty's Government from the outset, and it gave them sincere satisfaction to think that by this event the relations of Japan with foreign countries would be placed on a perfectly normal basis.

At the same time, speaking for myself as an individual and not as British Minister, I could not avoid feeling some anxiety lest misunderstandings should arise which might affect the cordiality of our relations, unless steps were taken in time to obviate them. Of the foreigners resident in Japan-after deduction of the Chinese- nearly two thirds were English or Americans, consequently of nationalities that at home enjoyed the highest measure of personal liberty, especially in the administration of justice, equally enjoyed by all strangers that visited their shores. These residents having

The Marquis of Salisbury, K. G.,

etc., etc., etc.

ALLIED

having grown up and lived hitherto under their own institutions, were now to be suddenly subjected to a widely different system, of which they had no experience, and which their want of familiarity with the Japanese language in general prevented them from appreciating. It appeared that in Japan a person confined upon a criminal charge might be placed by order of a Judge in solitary confinement, and deprived of all communication with friends or counsel. That afterwards he was brought before an examining magistrate and subjected to interrogation with closed doors and without the assistance of counsel. In Great Britain and the United States, on the contrary, justice was administered in public, and an accused person might have the help of counsel from the beginning. Should a Japanese be unfortunate enough to find himself in such a position in either of those countries, he would enjoy the same privileges. If what I was going to suggest to him were accorded to us, it would be merely in the direction of reciprocity of treatment. It was not asked that the law should be altered, but that such instructions should be given to the courts as would place British subjects and American citizens in Japan as far as possible on a footing of equality with Japanese subjects in Great Britain or the United States. What we suggested then, was that consuls or officers deputed by them should be allowed free access to their countrymen under arrest and also allowed to be present at the preliminary examination to give them counsel and assistance. Otherwise it might easily happen that an innocent person ignorant of the Japanese language, finding himself in an alarming situation might not be able to make a proper defence, the result being an injustice which would give rise to scandal and prejudice the maintenance of good relations.

Marquis Yamagata after listening carefully to my observations, thanked me for the friendly advice I had given, and said that the subject would occupy the serious attention of the Cabinet and especially of the Minister of Justice. Already they were considering

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the possibility of making special arrangements as to the food and accommodation of foreign prisoners.

In the afternoon I had an opportunity of repeating to Viscount Aoki what I had said to the Minister President. He replied that he was not familiar with the procedure of the criminal courts, but was glad to hear my ideas on the subject, and he showed me a memorandum of similar tenor which had just been handed to him by the United States Minister.

Colonel Buck had told me previously that he would prefer approaching the Minister for Foreign Affairs on the subject, as he could explain his ideas to him in English without the intervention of an interpreter, and he had also been good enough to let me peruse his memorandum. In speaking to Viscount Aoki I was consequently able to use the same language as My American colleague.

It is too soon to say what will be the result of our representations, but it is the belief of Colonel Buck as well as myself that the Japanese Government are impressed with the difficulty of the task they have undertaken of exercising jurisdiction over foreigners, and that they will endeavor to perform it in such a manner as to give no ground for complaint.

I have etc.,

DIPLOMATIC,
FEB 17 1899
BUREAU.

Ack Mar 3/99

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DEPT. OF STATE

No. 246.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 24, 1899.

Mr. Buck

to the Secretary of State.

Subject:

Mr. Wilson returns home on leave of absence.

No. 246.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 24, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to inform you that Mr. Huntington Wilson, Second Secretary of this Legation, availing himself of the leave of absence recently granted him, sailed for America on the 17th instant by the S. S. "Coptic". Mr. Wilson's departure was delayed owing to his illness.

I have the honor to be,

Sir,

Your obedient servant,

W. E. Dunn

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FEB 16 1899
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Ack'd 64 Subjects

No. 247.

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16FEB'99
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LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 26, 1899.

Hoke Mar. 3/99

Mr. Buck

to the Secretary of State.

Subject:

Speech of Lord Charles Beresford on Commercial Conditions in the Far East.

No. 247.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 26, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

As a matter of some interest, perhaps, I have the honor to enclose herewith copies of the speech of Lord Charles Beresford, made in Tokyo on the 22nd instant, before the Japanese "Oriental Association", in the interest of commerce in the East.

As the representative of the Associated Chambers of Commerce of England, he has been traveling in China and Japan, and seems to have a comprehensive view of the conditions and the necessities of commerce in China. He advocates a commercial alliance of the United States, Great Britain, Japan and Germany in the interests of peace and of trade in the East.

Lord Beresford yesterday took passage by the S. S. "America Maru" for San Francisco. He intends to address commercial bodies in San Francisco, Chicago and New York. He will visit Washington en route from Chicago.

I have the honor to be,

Sir,

Your obedient servant,

Enclosure:

Address of

Lord Beresford.

W. W. Rockhill

LORD CHARLES BERESFORD AT THE IMPERIAL HOTEL

The dinner and reception given in honour of Lord Charles Beresford, at the Imperial Hotel on Saturday evening, by the Japanese Oriental Association and the Tokyo Chamber of Commerce, was a grand success. It was certainly one of the most memorable social events of the kind that have ever taken place in the capital. The number of those desirous of taking part in the function was so large, that the promoters had soon to close the list, much to their regret as well as to the disappointment of a large number of persons. The meeting was thoroughly representative, comprising as it did the leading men of Japan, Cabinet Ministers, ex-Ministers, nobles, members of the Diet, high officials, business men, journalists, and manufacturers. At seven o'clock, the party sat down to dinner, there being present over 150 persons. (A complete list of their names will be published in our next issue.) At the close of the dinner, the noble guest of the evening proposed the health of His Majesty the Emperor of Japan, while the health of Her Majesty the Queen of England was next proposed by Count Soyeshima, President of the Oriental Association (*Toho Kyokai*). After dinner, the party repaired for a short time to the smoking rooms, and at nine o'clock the distinguished guest was conducted to the dining hall which had been cleared of tables and in which a temporary platform had been constructed. The hall was soon filled to overflowing by those who had had the honour of dining with his Lordship and also those to whom special invitations had been issued for the privilege of listening to his address, there being present altogether over 500 persons.

Baron Kencyo, President of the House of Peers, who took the chair, introduced the noble speaker in the following words:—

In fact, Japan may be said to have been regenerated. And also in revising the Treaties that were signed in those days and were naturally imperfect, Great Baitain led the way in acceding to our wishes in 1894. Other nations followed the example, and now we are approaching the happy event of carrying out the revised treaties. Glancing over our commercial conditions, we feel satisfied with the gradual progress thus far achieved in this line. About 1874, the total amount of our imports and exports was 18,780,079 *yen*, but the latest report that is from January to November, 1898, shows a big total of 398,183,939 *yen*, —an increase of over twenty times —of which Great Britain had a share of 129,346,939 *yen* or 32½ per cent of the whole volume. These figures go very clearly to show the condition of our tradal relations with Great Britain, a condition with which we are highly gratified Lord Charles Beresford, on the occasion of a reception given him at Osaka, drew a comparison between this country and his own. We quite agree with his Lordship as to the similarity of the physical nature of the two countries, their limited size, and the insular formation, and also of the abundance of population necessitating supply of food material from other countries. But I am constrained to confess the truth that there is a vast difference in the economic condition of the two nations. Look, for instance, at the high rate of interest and low standard of wages prevailing in this country. This proves nothing else but the primitive condition of our commerce and industry. It is a matter of great regret that such a state of things still exists, and we are placed under an imperative necessity of remedying this prevailing condition in our country. Since 1895, we have come to see the necessity of developing our commercial relations with our neighbour, China. Should our neighbour open its door more widely, it would not be too much for us to expect to realize an opportunity of cooperation with Great Britain and other nations for an increased commercial activities in this part of the world. The sudden expansion of our commerce

you know, has declared in the most public manner that her policy in the future with regard to the safety of her interests and trade and commerce, must be the policy of the open door (applause) and as far as I can gather from the many kind interviews I have received in this country, the people of this great Empire are determined that the policy of the open door shall continue in China as far as they are concerned. (Applause.) Therefore I say that our policy and our interests for the future are identical. But sir, it is all very well to put down a policy in a theoretical manner. Practical people endeavour to find out how it is to be carried out, and if you will allow me I will make a suggestion following those remarks as to the necessity of the policy of the open door, as to how I think it could be carried out without the slightest fear of war, and war, remember, is the one thing that affects trade and commerce in a very bad way. My policy—the one I have the honour to proprose—I think would make for peace. Well I have had the honour, several times in my own country and also a little in China, of suggesting that there should be a commercial alliance—well let us call it an understanding (applause)—but if it is an understanding let it be a definite understanding, a clear understandiog that not only our countries, those four which I hope will join in this understanding, not only that they should understand it clearly and perfectly, but that other countries should understand it clearly and perfectly well (Hear, hear and applause.) This understanding or alliance should be in my opinion based on the principle of the open door, but the open door will not be of very much use unless you determine that China shall maintain its integrity. (Applause.) Very well. Now, the four nations that I have referred to are the four great trading countries with China, and therefore it is to their interest to have this definite understanding and to base that definite understanding on the integrity of China, so that the door can be kept open. There was a remark made to me that Germany had not quite agreed to this point, or

and that of Great Britain also to take such steps as will stop them interfering with your interests of trade and commerce in the future. (Applause.) Now let me turn for one moment to what is called the policy of the open door. I am suggesting to you nothing new. It is the policy that is supposed to exist at this moment All that we want in Great Britain, all that I imagine you want here is to stick to the treaties as they are laid down now between your country and China, and not allow them to be interfered with in any way whatever. That is all you require. But it is no use making treaties and it is no use having great quantities of documentary evidence unless you take steps to see that those treaties are enforced, and that your interests are not interfered with, and here again I want to point out the necessity for a commercial alliance or understanding such as I have already remarked upon, for ensuring that your interests are not interfered with, and assuring that those treaties which you enjoy at present are rigidly kept. There is also the question of trade and commerce and financial interests which you either enjoy or shortly are to enjoy in China and Korea. Well there again comes a point and a great point for Japan to look into. You should be very careful also to take steps that your vested interests in that country are not affected in any way. How can you do it better than by joining such a commercial alliance as I have indicated to you to secure the open door for the future? Well now gentlemen there is this point to remember, that trade and commerce and vested interests cannot be ensured or secured in the future merely by protocols, by diplomatic utterances or by paper assurances, particularly when one side holds nothing but those diplomatic utterances and paper assurances, and the other side holds a very important and very formidable military force to carry out the objects which it may have in view. I believe you will agree with me, I believe that the people at home will very soon wake up to the fact that the diplomatic utterances, and

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birth; while young he joined Her British Majesty's navy, and subsequently rendered many meritorious services, especially in Egypt. As Member of Parliament, his Lordship has always been one of the strongest advocates of streng thening the British navy and of preservibg peace in the Orient. Therefore not only as a gallant sailor, but also as a statesman, his Lordship command our high respect. His visit to the Far East must have affirmed his conviction, and this must be a matter for congratulation to those countries which he visited. His Lordship's visit to our country and especially his favouring us with his presence here to-night must be heartly thanked. Ever since we heard of his Lordship's coming here, we desired most eagerly to meet him and hear his views, while at the same time he may have opportunity to observe all about our country. That we have been enabled to sati-fy our desires to-night is a subject for deep gratificaction. In spite of limited time at his disposal, his Lordship will now favour us with a speech, from which I dare say we shall all learn a great deal."

The Prince was followed by Mr. Shibusawa, President of the Chamber of Commerce of Tokyo, who spoke as follows:—

"Lord Charles Beresford, Excellencies, and Gentlemen,—I have the honour to represent the Tokyo Chamber of Commerce this evening and in that capacity I deem it my good fortune to be able to express our sincere gratitude for the honour conferred upon us by our distinguished guest with his presence at this meeting. The name of Rear-Admiral Lord Charles Beresford has always been associated even here in the extreme East with civil as well as military honours of high distinctions, and we naturally expect very much to hear his political and naval opinions, but knowing that his present mission is to inquire into the commercial condition of our neighbour China, at the request of British Chambers of Commerce, we as merchants and manufacturers would like to avail ourselves of this opportunity to ask for his Lordship's views about our trade, especially at the present moment when we are placed under an urgent necessity of developing our commercial capacity. Commerce being the motive power for nation's political and military progress, its prosperity bears a close relationship with our national welfare, and this is proved by the history of the great nation which his Lordship represents. And as a commissioner for the inspection of Chinese commerce and trade I think we can say that his Lordship's mission is not without very important bearings upon this country. Before venturing to ask his Lordship's advices I must dwell first of all on the source from which we have derived stimulus and inspiration in our commercial development, that is, Great Britain. Helped by her, our commerce has been developed, and I am glad to say that the tradal relations of the two countries are growing more and more intimate and extensive. For their helping in our new career as a commercial nation we deem it only our duty to express our warmest gratitude, and at the same time I venture to ask his Lordship to bear witness of the good will and gratitude which we entertain toward the people of Great Britain. As a nation we were formerly taught to look upon agriculture as our national foundation, and to attach the greatest importance upon military attainments; so that the mercantile and industrial development has been comparatively slow and imperfect with us. Forty-two years ago, during the administration of the Tokugawa Shogunate, a Treaty of Commerce and Navigation was signed between Great Britain and this country. This was an event that roused our merchants and manufacturers, nay, the whole of our people from the lethargy of exclusion, and it was from this time that we began to attach a great deal of importance to commerce and industry. But in those days our people were generally given to theorizing and were yet far from attaining practical progress. Some went so far as to advocate an exclusion policy of an extreme nature and this involved the nation, in some instances, in the misfortune of having its commercial development obstructed. In the midst of difficulties consequent upon the narrow and exclusive ideas of people in those days, British patience and perseverance prevailed and gradually gained the day, until we have realized what we see at present. remedy this evil and realize a further development, it is of the first importance to provide facilities for the introduction of European and American capital. But I regret to find that the actual condition of our commerce and industry is only imperfectly known abroad. There was such a thing as exclusion policy before the Restration, but now I am glad to say that even a shadow of that kind of idea does not exist among our business men. We all stand on the cosmopolitan platform and I venture to assure his Lordship of this fact and to hope that his Lordship on his return home will give expression to this state of feelings prevailing in this country at present. Before closing I beg to say that, on account of the shortness of his Lordship's stay in this country, it is to our great regret that we could not find time sufficiently to entertain his Lordship and also to offer him better opportunities to see more fully the actual state of our commerce and industry. But it would be expecting too much to claim more time of a gentleman of his Lordship's standing and ability, and all we can do under the circumstances is to trust to his Lordship's power of insight whereby we on this side of the globe as well as those in the other hemisphere would be benefited, so that this meeting here this evening would become a bright landmark in the history of Japan's tradal relations with the world and become a strong link in our future intercourse with Great Britain. I hope and trust that on the occasion of his Lordship's renewed visit to this country, if we may entertain such a hope, or when some of us meet him in his Lordship's own country, the pleasure of observing a growing amicability between the two countries will be realized. The pleasure we experienced this evening would thus be increased a hundred fold. Finally I would beg on behalf of all gentlemen present to express our warmest appreciation of the honour and pleasure conferred upon us by his Lordship's presence here this evening, and his kindness to favour us with an address."

Lord Charles Beresford, who on rising was received with a prolonged outburst of applause said:—

"Your Highness, your Excellencies, my Lords and gentlemen. When I came to Japan, my object in coming to this country was to ascertain as far as I was able, what the opinions were in this great Empire with regard to the future condition of trade and commerce in China. I unexpectedly received an invitation that I should make you a speech. I did not come here to give you my ideas; I came here to ask you for yours. But it was only courtesy for me to accede to your kind request. I cannot conceal, sir, from myself that you have paid me a most distinguished honour, for I am informed that all classes of the community in this great Empire are represented here this evening. I am informed that there are both sides of political opinions; that there are distinguished Cabinet Ministers, or ex-Cabinet Ministers; that there are leaders of all parties. I myself observe distinguished soldiers and sailors, and I am glad to know there are a very large number of Chambers of Commerce, and those interested in commerce; —that with which I am particularly associated at the present moment—to hear the few remarks I may address you this evening. I, sir, am perfectly unofficial, I represent, however, the greatest power in Great Britain, that is the Associated Chambers of Commerce, and let me tell you why it is the greatest power. When the Government makes proposals, it is the duty of the opposition to criticise those proposals, and as a rule they do so very drastically. When Chambers of Commerce in my country,—I have not been here long enough to say what the custom in yours is—but in my country when the Chambers of Commerce make their voices heard, Governments have to listen. Therefore it is highly satisfactory to me to know that when you ask me to speak, there is a very large number of these Chambers of Commerce in the audience which is here to listen to my remarks.

THE OPEN DOOR.

"Now, sir, with regard to the view of the future of China, I have held in the few remarks I have made in that country, that the interests in the future, of trade and commerce in China are identical, absolutely identical, as far as Japan and Great Britain are concerned. Great Britain, as it proper to have land in China, but she has most definitely declared to all nations that Kiaochow shall be an open port, and that the territory she has at present shall be open to all nations. That is a definite and declared understanding of Germany between all the other nations. Therefore I cannot see that any objection should be made to Germany joining the other nations I have mentioned—or rather which I shall mention now, viz: Great Britain, Japan, Germany and America. The policy of the open door is not a selfish policy. It is a most unselfish policy because it means a fair field and no favour to all nations and that all nations should trade as they think fit without tariffs, in the great Empire of China.

THE OPEN DOOR AND JAPAN.

"But sir speaking to a Japanese audience I must confine my remarks perhaps more particularly to the reasons why I think it is necessary for Japan to maintain the policy of the open door. Japan is a very growing Empire. You have now, I believe I am correct in saying, something like forty-two million people; those people are increasing largely every year, but as I understand it you only have in your great Empire some one-twelfth part of it which you can by any means utilise for growing food for your people. That being so it is imperative that you will have to buy food for your people in the near future, more particularly if you have the misfortune to have bad years. Well, you must have money to buy that food; therefore it is absolutely essential that the Japanese nation should increase her manufactures and should have a fair and regular output for those manufactures in the nearest country to her, which is China. (Applause). It is China and Korea. (Applause). In some respects your country is very like Great Britain. We have to buy increasingly each year large food products for our people, but we have this advantage for the moment over your country, for as soon as the beginning of the century, when we won great victories at sea and had the command of the sea, Great Britain has to a great extent had the monopoly of the trade of the world. Now Great Britain is a competitor, but the result of her having that monopoly for so many years was that our capitalists invested their capital in trade not exactly with Great Britain itself, but in trade between other foreign nations. Therefore it became a great trading interest for Great Britain, and the result was that the interests of that capital went to Great Britain and enabled us with the aid of our large manufactures to buy food for our people, and to put ourselves in a better position. Now then Japan will be in difficulties in the future when her population increases, and her food supply decreases in proportion and if she has not what she has a right to demand—an output for her great manufactures in the near future in China and Korea—(Applause). Sir in thinking of a great question of this character, which is the future trade and commerce in China, one I venture to suggest of the most important questions of the future that the world possibly will have to face, it is worthwhile to study the history of the world in the past and to study the history of those nations that form that world. There are nations in the world—I am always very careful as a public man to be most courteous to all nations because I believe nations have a right to go in the way they think is for their own interests — but there are nations in the world whose policy appears to be the annexation of territory, and those nations, we know very well, when they do annex territory, put on tariffs. Well they put on tariffs in their own interests, but what we have to do in these days is to see that, while other nations are embodying a policy which they conceive to be for their own interests, they do not do anything which hurts our interests. And I think you will agree with me that if nations take territory in China and put on tariffs, it would certainly be to the detriment of the trade and commerce of Great Britain, and certainly of Japan. (Applause). Now sir, it is the duty and business of our country certainly, and of the country to which you belong to watch most carefully and most cautiously what other nations are doing, and if you see them putting themselves in a predominant position of advantage and by getting that position of advantage they may do something to affect your trade and commerce in the future, it is your bounden duty

security [illegible] since you have developed it. (Applause) Well gentlemen those are my views with regard to the open door. I have tried to show you that I think this commercial alliance or understanding is necessary. I am absolutely certain of this that if you can get the four countries, Great Britain, Japan, America and Germany whose interests are identical with regard to the open door, to join together and put down a definite policy, there will be no war. (Applause.) I am perfectly certain that if they do join together it will be the better for trade and commerce in the future, and I believe myself that as this alliance would make for peace if we all think it out and the great trading classes of those countries think it out, it will be perfectly possible to bring about such an understanding as I have suggested. This is my view of the case.

THE CHINESE ARMY.

"Now it is no use having such an understanding as I have suggested in China without you have another sort of security. The basis of all commerce, of all trade, of all peace and of all security is an efficient military or police force in a country, (applause) as I think you will all agree. Well I have been all over China. I have been treated with the greatest courtesy and the greatest kindness by the whole of the Chinese officials. I have inspected their armies,—all their armies but one—I have been allowed to put them through their manoeuvres, to see what they knew; I have been to all their forts and have also trained their guns myself; I have been to all their arsenals, to all their training establishments and to their ships and to their one dock-yard; therefore I think I may say, being a naval man and knowing something about military service, I am in a position to judge how far they can give that security which it is our right to demand for our vested interests. and for our trade and commerce. Well I found in China a very excellent lot of men — as good a lot of men as I suppose any country could produce. I believe they would make most excellent soldiers. I am told by those who know them better than I do—your own officers—that they would make excellent soldiers if they were properly trained, properly led, properly fed, and properly clothed. I have also found in that country some very patriotic and honest mandarins. I do not say there were very many of them (laughter), but there certainly were some, and those that did hold these characteristics I found invariably very poor men. (Laughter.) But I do not blame the other mandarins. If I am going to speak harm of anybody I rather like to put myself in the same position, and I do not know if I were asked to manage one of those great provinces, containing from twenty to ninety million people, and if when I accepted the command I had to pay a very large sum of money for going there and then told I would get no salary whatever, I do not understand how it would be possible for me to undertake the government of that province unless I went through the process which is generally described as squeezing. (Laughter.) Therefore I say that it is the system which is all wrong, the people are all right and if we got this understanding which I have referred to, it would be our business—the business of these four countries to see first that China did give us that security which is imperative for the success of our future development in trade, and having seen that they did that, we should help them ourselves to try to get their army into proper order for police purposes. You will agree with me that it is no use calling loudly for the open door, and demanding that the door shall be opened unless the room inside is in order. (Laughter.) And therefore it is for us to consider how to put that room in order. We may invest our money—this country and Great Britain and the other two I have referred to—in trade and property in China, and in commercial enterprises, but if there is no military and police a mob may come down and burn the whole of your property and everything may be destroyed in a short time. There are two cases to be looked at. One is the open door. I have tried to show that it is necessary you should see how to keep it open. The second case is that you should have that efficiency of police and military without which your trade cannot continue in China,

(*Continued on Page 4.*)

(Concluded from Page 3.)

I think the four countries I have already referred to have the right to this, that this army should be put in order, and I would point out to you that if we can carry this idea out, that China will be a very valuable ally to those countries, when her army and her organisation are efficient. When she has her army in proper order she will improve her own condition enormously, so it will be the business of this great Empire to help us to keep the door open and to keep her integrity intact. But first of all, I would refer to your own country. The Japanese understand the Chinese better than any nation in the world, and the Japanese officers have told us the Chinese would make very good soldiers. Now, why should not the Japanese officers try to put the Chinese army in order, on the understanding that the Chinese should keep the door open? (Hear, hear). In this connection I can refer to Germany. I have myself seen a large number of Chinese troops drilled by the Germans, and nothing could possibly be better than one of those Chinese armies which was drilled by those German officers. Unfortunately, through the influence of another power, the Chinese have turned off all those non-commissioned officers and officers of the Germany Army, and the consequence is that these men who have been drilled and most excellently drilled by the Germans, are going back on their drill, as every officer knows men will go back if they are not kept up to the mark and drilled day by day. Then I come to my own country, Great Britain. We have been not unsuccessful in drilling men of Eastern nations, and I hope and believe Great Britain will be glad to help these other countries in making the Chinese army efficient. I am in hopes also that America, that great continent whose trade is increasing by leaps and bounds in the East, will see the necessity of looking to it that the door is kept open in a thoroughly practical way; and I daresay she would lend some officers and men to help to get this great army of China in order. For my own part, I have nothing but a good word to say for the Chinese. [illegible] people are a [illegible] expensive to a country and less efficient. This is the first Eastern country that ever had free education, which is the beginning of national prosperity. Governments which teach their people how to understand important problems are bound to prosper. Then you have a very excellent system of technical education, so as to give your people some chance in life when they begin. I wish I could stay here a year (Hear, hear) to see all I want to see and all there is to be seen. But I have seen something. I have visited some of your manufactories. I went to Osaka, went over the cotton and sugar mills, and nothing could exceed the excellence of the management of these establishments or the excellence of what is turned out. I found on enquiry that some 75 mills have been established in the last thirty years, representing four millions sterling. I have seen it remarked in the papers 'Oh, if Japan opens up great industries it will clash with Great Britain's interests or America's interests.' Now in my opinion there never was a more nonsensical thing said. It is the greatest mistake to think that one country's trade and commerce will suffer because of another's opening up. (Applause). Well, then, I went to another manufactory, your great shipbuilding industry in Nagasaki, and was perfectly delighted to see the great merchant ship laid down there. There are two points about it that struck me with special force. It is a safe ship, either going over a mine, or in the event of being rammed, or anything. She has got a double bottom, and she has bulkheads with no watertight doors. I shall continually speak about this ship, and hold her up as an evidence of the enterprise of Japan. Then I went to Kyoto and visited the electric plant, and I have never seen one, which in my opinion, was more excellent or successful than that. It works some 60 industries, a tramway and the electric light, and as for the machinery itself, it is the most perfect I have ever seen, a fact which is due to our cousins in America, who can certainly produce electric machinery second to none in the whole world. Then I saw the Japanese Army, and [illegible] make this country and the country I have the honour to belong to cement a strong friendship for each other, and I find there is this feeling, and after the extraordinary kindness and courtesy I have received from you I don't think it would be honest and straight for me if I did not tell you this feeling exists. One question more. It is a question which arouses some consideration and reflection in England. It is the subject, gentlemen, of foreigners buying land. I have spoken to several Japanese gentlemen about that, and they think it is not possible. Now I have always thought that, if either a nation or an individual offers to tell another nation or another individual their business, it is most impertinent conduct. But when we are here on friendly terms we can—not give advice—but ask opinions. One or two of the Japanese gentlemen have said to me, 'I am afraid the land question will be very difficult, but under the new Treaties the foreigners will be allowed to take shares in railways or cotton mills or other manufactures.' I said 'Yes, but you have missed one point. Suppose the foreigner takes shares in railways or other enterprises that become insolvent and the only asset left is the land, where does the foreigner come in? Under the law he can have nothing to do with it. I put it forward respectfully for your consideration. I believe in the future if this country wanted money to increase her great resources she could get it from England. England has plenty of money to lend, and is willing to lend it. This country may want to borrow from her, and I am sure she could get much better terms if this question of foreigners, holding land were carefully considered with the one object to increase the friendship—when I say friendship I mean that friendship of two nations is based on vested interests—and to bring the two countries nearer together in the future (applause).

THE FUTURE OF JAPAN.

"Well, I say, gentlemen, in ending my remarks that I regard the future of Japan as assured (applause). I have none of those gloomy fore-bodings that some people have. I like to see things as they are and not as they might or

LATEST SHIPPING.

ARRIVED AT YOKOHAMA.

Jan. 20th.

Satsuma Maru, Japanese steamer, 1,157 tons, N. Ohno, from Shanghai, via ports, Mails and General.—Nippon Yusen Kaisha.

Jan. 21st.

Sendai Maru, Japanese steamer, 1,064 tons, M. J. Curnow, from Kobe, General.—Nippon Yusen Kaisha.

DEPARTED FROM YOKOHAMA.

Jan. 21st.

Kamakura Maru, Japanese steamer, 3,797 tons, Trennt, for Marseilles, London and Antwerp, via ports, Mails and General.—Nippon Yusen Kaisha.

Hiogo Maru, Japanese steamer, 881 tons, S. Yoshizawa, for Kobe, General.—Nippon Yusen Kaisha.

Sakura Maru, Japanese steamer, 1,827 tons, N. Umezono, for Otaru, via ports, General.—Nippon Yusen Kaisha.

Otaru Maru, Japanese steamer, 1,507 tons, T. Tibballs, for Kobe, via Yokkaichi, General.—Nippon Yusen Kaisha.

PASSENGERS ARRIVED.

Per Japanese steamer *Satsuma Maru*, from Shanghai, via ports:—Mr A. K. Rhoden, Master Washington Denbigh, Mr. U. Saito, Mr. M Tsuchiya, Mr. F. Terada, Mr. M. Fujita, Mr. K. Kondo, and Mr. T. Yazawa, in cabin; Mr. John Makins, and Mr. John J. Calmon, in second class; 7 Japanese, and 5 Chinese, in steerage.

PASSENGERS DEPARTED.

Per Japanese steamer *Kamakura Maru*, for London, via ports:—Mrs. M. W. Foster, Mr. A. R. Owen, Mr James Woodlove, and Mr. Arnould, in cabin; Mr. Mrs. J. P. Hausen, and I. Oka, in second class; 21 Japanese, and 3 Europeans, in steerage.

NEXT MAIL DUE AT YOKOHAMA.

FROM	PER	DATE.
Hongkong	T. K. K.	Jan. 23†
Hongkong	C. P. S. S.	Jan. 26°
Hongkong & Europe	P. & O. Co.	Jan. 30.
Hongkong	P. M. S. S.	Jan. 28.
Hongkong	O. & O. S. S.	Feb. 8.
Hongkong	N. D. L. S. S.	Feb. 14.
Hongkong	N. P. S. S. Co.	Jan. 26.‡
Marseilles	M. M. S. S. Co.	Jan. 24.
Vancouver	C. P. S. S.	Feb. 13
San Francisco	O. & O. S. S.	Feb. 5‖
San Francisco	P. M. S. S. Co.	Jan. 26.*
San Francisco	T. K. K.	Feb. 20.
Shanghai	N. Y. K.	Jan. 27.
Victoria & Tacoma	N. P. S. S. Co.	Jan. 26.§

ers are honest; the people are very easily handled, very docile, and they are a very peaceful people; but their system is bad, and as rottenly bad as any country could suffer under. I have been through all their six arsenals, but there are only two of those arsenals, that at Shanghai and that at Tientsin, turning out anything useful; and these two arsenals are more or less under the management of countrymen of my own. I found guns in some of their forts that neither you, nor Germany, nor France, nor England, could make better, but the fronts of their forts were in many cases in ruins and the forts themselves were not defended in the rear, and that is not a very good position for a gun; and it is upon these points that China wants to be shown how to put herself on a level with other nations with regard to defence. Well, gentlemen, I was speaking about these four nations. I am rather a practical man myself, and I think there is a great sympathy here and at home with regard to what is going on in China; but I believe that sympathies with nations are often generated by personal interests. You know very well that in these days fleets and armies are not created by countries for gaining territory, or for some dynastic dispute, or for the settlement of differences of opinion between monarchs. Fleets and armies now are created to look after our interests and our trade and commerce, and therefore, when I see a great country like your country getting, or rather I should say already got, your army and your fleets into the excellent condition they are in, I look upon that as merely for defensive purposes for yourselves, and to look after your trade and commerce in the future.'

THE POLICY OF SPHERES OF INFLUENCE.

"Now, what is the other possible policy with regard to China? There is a policy which you have all heard called the policy of spheres of influence. I cannot conceive any policy more absolutely certain to provoke tradal and commercial conflict, and therefore more certain to lead to war than that policy. There has been much discussion with regard to the outcome of that policy, but to my mind this is what the result would be. Some countries would say that this "sphere of influence" belongs to them, and they would thereupon proceed to put on a restrictive tariff. I do not know how you are to allow countries particular spheres of influence and then tell them what they are to do in those spheres, and as soon as these countries do take those spheres of influence, and put on preferential rates, their action in this regard will ultimately lead to war. Therefore anything I can do to prevent this policy going into effect I shall do; and I most earnestly hope that your great commercial classes will think this question out and determine to do their level best to prevent such a policy being carried out (applause).

JAPAN'S PROGRESS.

"Might I for a moment refer to the extraordinary progress your country has made in the last thirty years? I was here thirty years ago as a young lieutenant, and I remember very accurately all I then saw, and I do not believe it is possible for any country to progress at a greater rate than the Japanese have done. I have read there is nothing in history that approaches it nearly. I have heard continually the remark,—I have read it in different papers on the Continent and some times at home, that Japan was going too fast, but to my mind that is rather a ludicrous remark. How can any country go too fast in the direction of progress? I think rather Japan has at times delayed, but she has never gone back, and until I see Japan going back I shall not think Japan is going too fast. She has never failed yet in anything she has undertaken. I may say this, and it is a notable fact, that Japan is the first Eastern nation that ever had a budget. I understand that you have an eight years' budget for your defensive forces, and if you have, I must take the news home for my own people, because for years I have been trying in the House of Commons, and have succeeded on two occasions, to get a programme laid down based on what you want, vote the money for it and spread that money out over so many years. Then you get a properly efficient force for your money, whereas yearly estimates for defences on such questions as the question of an army or navy, must be very

saw the Army in company with a notable man, and I am a very good judge of discipline, and when I went on the ground, which I did with the Minister of War, I saw there was no non-commissioned officer in too great a hurry to salute his officers. I saw the men looked cheery, well contented and thoroughly drilled, and in fact you could not have a more perfect organization. I made one remark to the Minister of War. I said I did not think the gaiters which the men wore were very good for service, because the buttons came out and I thought there were no buttons to put on in their place; but the Minister of War smiled and itook me around when all was over and showed me for myself that each man had three spare buttons on his gaiters. I took off my hat to the Minister and apologised for what I had said. You have proved yourselves good also in war. Nothing could be better than your hospital arrangements, your transport, commissariat, and your reserves of ammunition. More than that. During my progress through China I asked many mandarins questions on the subject, but I heard no remarks except those which were civil and courteous to Japan, which proved to me that your arrangements after the war were those which are exhibited by all civilised nations. May I refer for a moment to the Navy? You have a navy second to none in the world for its size. I know a good number of the ships,—I have seen them in England,—and a good many of the officers who handle them. And you have officers who can navigate the ships, and as I understand they took a large number of troops in the transports without one single accident during the most difficult and dangerous operations. You have officers who can bring the ships through any sea, and bring them safe to any port in the world; and therefore you have the most wonderful organization for rapidity of growth in history.

THE REVISED TREATY.

"Turning to another point in my remarks, I do not think anyone in the room will misunderstand me. I believe I personally was the first public man in England that ventured to suggest that what would be for the interests of your own country and ours would be an alliance between the Empire of the West and the Empire of the East. (Applause.) My friendliness to Japan, as whenever I have had an opportunity to do, has been made as apparent as I could make it, so in the remarks I am going to make now I am confident I will not be misunderstood. There have been great fears expressed in some papers at home and here with regard to the new treaties; but I may point out that the new treaty as it stands was first agreed to by and first received great sympathy from England. (Applause.) I myself have not the slightest fear as to the success of that treaty. I have heard curious arguments from people and those arguments seemed to imply in some cases that, if a man is sent to prison, he is to be sent there for his own pleasure, but I do not think every body will agree with those arguments. But there is this point. In England, we had our personal liberty long before we got our political liberty. I do not know how it is with you in this country. If we arrest a Japanese for some offence in England we endeavour to allow him counsel, let him see his friends, and render him assistance, especially if he cannot speak a word of the English language. In England we hold that a man is innocent until you have proved that he is guilty. I don't know exactly what your rules are in Japan, but if you arrest a man and do not allow him the advantage of counsel, do not allow him to see his friends, then you are holding him guilty until he has proved himself innocent. It is the English and Americans who are in predominant numbers among the foreigners in Japan, and it is English and Americans who hold those principles of justice to which I have referred. I may ask—I put it forward only as a suggestion—would it be possible for the Japanese Government—not to alter the treaty—but to take the case into consideration whether there should not be some reciprocity with regard to the matter, so that Japanese should pursue towards English and Americans in this country the course English and Americans pursue towards them in their own (applause) I say this most respectfully, gentlemen. I find no fault with the treaty, but I merely say I want to do all within me lies to

but by leaps and bounds. I see nothing to stop that progress; I see every reason why it should be continued. If any remarks I have made can increase the cordial friendship which I am persuaded exists between Japan and the nation I have the honour to belong to, I shall be happy. Your finances are excellent; you have no foreign loan and you have not even the luxury of a national debt—I do not know, of course, how long you will be without it (laughter). You have the certainty that the Pacific Ocean must be in the future the highway of the world; whatever policy is carried out China will be opened, and Japan will benefit from the opening. You are a sort of point of departure from China and a point of arrival from America. You are absolutely certain in my opinion to progress, provided you and the countries I have named will work together for the objects I have named, the integrity of China and the open door (applause). I must apologise for having brought in the political question as well as the commercial question. But there is not really much reason for apology. The political question and the commercial question are absolutely undivided. Upon your political action, upon the political action of Great Britain, America, and Germany depends the commercial future—whether it will be of success or whether it will be of failure. Therefore I hope you will not think I have in any way exceeded my mission by placing the political question side by side with the commercial question. When I get home I shall take an early opportunity of letting the important commercial bodies I represent know of this meeting, and I shall also take an early opportunity of letting the Cabinet and the Government of Great Britain and its Great Empire know of this meeting. And I do hope it will promote your interests and the interests of Great Britain, America, Germany, and China, and the interests of the trade and commerce of the whole world and of all nations. I think you will agree with me that the remarks I have made tend in that direction, and in that of the greatest interest of all, which is the interest of peace (applause)."

The above speech was eagerly and attentively listened to, with frequent cheers, by those aquainted with English, who formed a large proportion of the audience. For the benefit of those not able to follow the speach in the original, the address was afterward ably presented in Japanese by Mr. Ichihara of the Bank of Japan.

Prince Konoye then turning to Lord Charle Beresford addressed him in these words:—

"Your Lordship.—On behalf of all assembled here, I beg to express to your Lordship our sincere thanks for the great honour and benefits you have conferred upon us by your able and valuable speech, which has been warmly appreciated by us all and will be as warmly appreciated by the public at large when they read it reported by the press. Allow me to say that, from what I have been able to gather from your instructive speech, your Lordship has been marvellously successful in your inquiries into the condition of things in the Far East. I hope, all of us hope, most ardently that, on your return to your great country, the valuable information your Lordship has been able to gather in your travels out in the East will bear fruits, and that the views with which you have favoured us will be carried out in practice. In conclusion allow me also to express our hope that the relations of the two nations, which have common interests and common duties, may become closer and firmer through the presentation of your views before the enlightened public of Great Britain—views which are so fair, so just, and so conducive to the cause of peace and civilization."

Lord Charles Beresford again addressed a few words, remarking that he was glad to know from Prince Konoye's address that his views were appreciated and shared by the audience, and assuring his hearers that on his return home he would make it his duty to let his countrymen know the views and sentiments of the Japanese nation. At the instance of Prince Konoye, a lusty *Banzai* (ten thousand years) was given by the assembly for the distinguished guest of the evening. The party then repaired to dining rooms to partake of refreshments. It was after midnight that the meeting dispursed everybody being highly satisfied with the great success of the function which will be remembered for many years to come.

‡ Victoria left Victoria on Jan 9.
† America Maru left Shanghai via ports on Jan. 18.
‡ Olympia left Hongkong via Kobe on Jan. 17.
‖ Doric left San Francisco via Honolulu on Jan. 17.
• Empress of China left Hongkong via ports on Jan. 18 at noon.

NEXT MAIL LEAVES YOKOHAMA.

FOR	PER	DATE.
Hongkong	N. Y. K.	Feb. 4.
Hongkong	T. K. K.	Feb. 14.
Hongkong	N. P. S. S.	Jan 27.
Hongkong	C. P. S. S.	Feb. 13.
Hongkong	O. & O. S. S.	Feb. 6.
Hongkong & Europe	P. & O. S. S.	Jan. 25.
Hongkong	P. M. S. S.	Jan. 27.
Hongkong & Europe	N. D. L. S. S.	Feb. 17.
Vancouver	C. P. S. S.	Jan. 27.
San Francisco	O. & O. S. S.	Feb. 11.
San Francisco	P. M. S. S.	Feb. 1.
San Francisco	T. K. K.	Jan. 25.
Victoria and Tacoma	N. P. S. S.	Jan. 24.
Marseilles	M. M. S. S.	Feb. 1.
Shanghai via ports	N. Y. K.	Jan. 25.
Portland, Oregon	N. P. S. S.	Feb 10.

IMPERIAL POST OFFICE NOTICES.

TOKYO (YEDO BASHI) MAILS CLOSING.

For Hongkong, India and Europe – Per steamer *Rosetta*, at 5 30 p.m., on Tuesday, 24th Jan. Registration until 5.30 p m. Money orders until 12 noon.

For Tacoma and Beyond.—Per steamer *Glenogle*, at 11 a.m., on Tuesday, 24th Jan. Registration until 10.30 a m. Money orders until 12 noon on previous day.

For San Francisco and Beyond, via Honolulu.—Per steamer *America Maru*, at 7.30 a m, on Wednesday, 25th Jan. Registration until 10 p m. on previous day. Money orders until 12 noon on previous day.

YOKOHAMA MAILS CLOSING.

Kobe Mail.

Ordinary Mail.	*Registered Mail.*
6.13 a.m.	6.08 a.m.
12.41 p.m.	12.11 p.m.
6.35 „	6.05 „
10.10 „	9.40 „

For Hongkong, India and Europe.—Per steamer *Rosetta*, at 8 p.m, on Tuesday, 24th Jan. Letters registered until 7.30 p.m. day of closing. Money orders until 4 p m., on Monday, 23rd inst.

For Tacoma and Beyond.—Per steamer *Glonogle*, at 2 p.m., on Tuesday 24th Jan. Letters registered until 12.30 p.m. day of closing. Money orders until 3 p.m, on Saturday, 21st inst.

For San Francisco and Beyond via Honolulu.—Per steamer *America Maru*, at 1 p.m, on Wednesday, 25th Jan. Letters registered until 8 30 a m. day of closing. Money orders issued until 4 p m, on Monday, 23rd inst.

For Shanghai and Coast Ports—Per steamer *Satsuma Maru*, at 11 a.m., on Wednesday, 25th Jan. Letters registered until 11 a m day of closing.

For Tacoma and Beyond.—Per steamer *Olympia*, at 2 p.m., on Friday, 27th Jan. Letters registered until 12,30 p m. day of closing. Money orders until 4 p.m., on Wednesday, 25th inst.

For Hongkong, via Shanghai.—Per steamer *Malacca*, at 7 a.m., on Wednesday, 25th Jan. Letters registered until 7 a.m. day of closing.

For Bombay.—Per steamer *Kagoshima Maru*, at 11 a.m., on Tuesday, 7th Feb. Letters registered until 11 a m. day of closing.

For Australia.—Per steamer *Kasuga Maru*, at 11 a.m, on Thursday, 9th Feb. Letters registered until 11 a m. day of closing.

For Seattle and Beyond, via Victoria.—Per steamer *Kinshiu Maru*, at 10 a.m; on Wednesday, 22nd Feb. Letters registered until 8 30 a.m. day of closing.

LATEST COMMERCIAL

TOKYO RICE EXCHANGE.

The 5th class rice of Musashi taken as standard.

Jan. 21.

	HIGHEST.	Yen per koku.	LOWEST.
Jan. delivery	9.53	.....	9.48
Feb. „	9.59	.....	9.48
Mar. „	9.72	.....	9.58
Closing quotation for Mar.		.....	9 64

TRADE 德 MARK.

TOKUMIYA,

BROKER IN LOAN BONDS, DEBENTURES, SHARES, AND STOCKS.

Cash and time transactions.

No. 2, KABUTOCHO, NIHONBASHIKU, TOKYO.

TELEPHONE No. 921, NANIWA OFFICE.

MEAN PRICES OF SHARES AND STOCKS FOR DIRECT DELIVERY.

PUBLIC LOAN BONDS.

Tokyo, Jan. 21.

	Yen.
Redemption Loan Bonds*	94.50
War Loan Bonds*	94.50
Tokyo City Loan Bonds*	96.70

Enclosure with Mr. Bucks
No. 247.

Enclosure with Mr. Buck's No. 247.

The Japan Advertiser,

YOKOHAMA, MONDAY, JAN. 23, 1899.

LORD CHARLES BERESFORD'S SPEECH IN TOKYO.

On Saturday evening the Japanese Oriental Association and the Tokyo Chamber of Commerce gave a dinner in honour of Lord Charles Beresford at the Imperial Hotel, Tokyo, and after the dinner a reception was held, at which some 500 guests were present. Prince Konoye, President of the House of Peers, introduced Lord Charles to the audience, and Mr. Shibusawa, President of the Tokyo Chamber of Commerce, delivered a speech of welcome to the guest of the evening, to which Lord Beresford replied as follows. We quote from the *Japan Times'* report:—

Lord Charles Beresford, who on rising was received with a prolonged outburst of applause, said:—

"Your Highness, your Excellencies, my Lords and gentleman. When I came to Japan, my object in coming to this country was to ascertain as far as I was able, what the opinions were in this great Empire with regard to the future condition of trade and commerce in China. I unexpectedly received an invitation that I should make you a speech. I did not come here to give you my ideas; I came here to ask you for yours. But it was only courtesy for me to accede to your kind request. I cannot conceal, sir, from myself that you have paid me a most distinguished honour, for I am informed that all classes of the community in this great Empire are represented here this evening. I am informed that there are both sides of political opinions; that there are distinguished Cabinet Ministers, or ex-Cabinet Ministers; that there are leaders of all parties. I myself observe distinguished soldiers and sailors, and I am glad to know there are a very large number of Chambers of Commerce, and those interested in commerce;—that with which I am particularly associated at the present moment—to hear the few remarks I may address you this evening. I, sir, am perfectly unofficial, I represent, however, the greatest power in Great Britain, that is the Associated Chambers of Commerce, and let me tell you why it is the greatest power. When the Government makes proposals, it is the duty of the opposition to criticise those proposals, and as a rule they do so very drastically. When Chambers of Commerce in my country,—I have not been here long enough to say what the custom in yours is—but in my country when the Chambers of Commerce make their voices heard, Governments have to listen. Therefore it is highly satisfactory to me to know that when you ask me to speak, there is a very large number of these Chambers of Commerce in the audience which is here to listen to my remarks.

THE OPEN DOOR.

"Now, sir, with regard to the view of the future of China, I have held in the few remarks I have made in that country, that the interests in the future, of trade and commerce in China are identical, absolutely identical, as far as Japan and Great Britain are concerned. Great Britain, as you know, has declared in the most public manner that her policy in the future with regard to the safety of her interests and trade and commerce, must be the policy of the open door (applause) and as far as I can gather from the many kind interviews I have received in this country, the people of this great Empire are determined that the policy of the open door shall continue in China, as far as they are concerned. (Applause.) Therefore I say that our policy and our interests for the future are identical. But sir, it is all very well to put down a policy in a theoretical manner. Practical people endeavour to find out how it is to be carried out, and if you will allow me I will make a suggestion following those remarks as to the necessity of the policy of the open door, as to how I think it could be carrried out without the slightest fear of war, and war, remember, is the one thing that affects trade and commerce in a very bad way. My policy—the one I have the honour to propose—I think would make for peace. Well, I have had the honour, several times in my own country and also a little in China, of suggesting that there should be a commercial alliance—well let us call it an understanding (applause)—but if it is an understanding, let it be a definite understanding, a clear understanding that not only our countries, those which I hope will join in this understanding, not only that they should understand it clearly and perfectly, but that other countries should understand it clearly and perfectly as well (Hear, hear, and applause.) This understanding or alliance should be in my opinion based on the principle of the open door, but the open door will not be of very much use unless you determine that China shall maintain its integrity. (Applause.) Very well. Now, the four nations that I have referred to are the four great trading countries with China, and therefore it is to their interest to have this definite understanding and to base that definite understanding on the integrity of China, so that the door can be kept open, There was a remark made to me that Germany had not quite agreed to this point, or rather her action would incline one to believe that she would wish to take territory. I rather demur to that. Germany may in the interests of her nation have thought it proper to have land in China, but she has most definitely declared to all nations that Kiaochow shall be an open port, and that the territory she has at present shall be open to all nations. That is a definite and declared understanding of Germany between all the other nations. Therefore I cannot see that any objection should be made to Germany joining the other nations I have mentioned—or rather which I shall mention now, viz.: Great Britain, Japan, Germany and America. The policy of the open door is not a selfish policy. It is a most unselfish policy because it means a fair field and no favour to all nations and that all nations should trade as they think fit without tariffs, in the great Empire of China.

THE OPEN DOOR AND JAPAN.

"But sir, speaking to a Japanese audience I must confine my remarks perhaps more particularly to the reasons why I think it is necessary for Japan to maintain the policy of the open door. Japan is a very growing Empire. You have now, I believe I am correct in saying, something like forty-two million people; those people increasing largely every year, but as I understand it you only have in your great Empire some one-twelfth part of it which you can by any means utilise for growing food for your people. That being so it is imperative that you will have to buy food for your people in the near future, more particularly if you have the misfortune to have bad years. Well, you must have money to buy that food; therefore it is absolutely essential that the Japanese nation should increase her manufactures and should have a fair and regular output for those manufactures in the nearest country to her, which is China. (Applause). It is China and Korea. (Applause). In some respects your country is very like Great Britain. We have to buy increasingly each year large food products for our people, but we have this advantage for the moment over your country, for as soon as the beginning of the century, when we won great victories at sea and had the command of the sea, Great Britain has to a great extent had the monopoly of the trade of the world. Now Great Britain is a competitor, but the result of her having that monopoly for so many years was that our capitalists invested their capital in trade not exactly with Great Britain itself, but in trade between other foreign nations. Therefore it became a greater trading interest for Great Britain, and the result was that the interests of that capital went to Great Britain and enabled us with the aid of our large manufactures to buy food for our people, and to put ourselves in a better position. Now then Japan will be in difficulties in the future when her population increases, and her food supply decreases in proportion if she has not what she has a right to demand—an output for her great manufactures in the near future in China and Korea (Applause). Sir, in a great question of this character, which is the future trade and commerce in China, I venture to suggest one of the most important questions of the future that the world possibly will have to face, it is worth while to study the history of the world in the past and to study the history of those nations that form that world. There are nations in the world—I am always very careful as a public man to be most courteous to all nations because I believe nations have a right to go in the way they think is for their own interests—but there are nations in the world whose policy appears to be the annexation of territory, and those nations, we know very well, when they do annex territory, put on tariffs in their own interests, but what we have to do in these days is to see that, while other nations are embodying a policy which they conceive to be for their own interests, they do not do anything which hurts our interests. And I think you will agree with me that if nations take territory in China and put on tariffs, it would certainly be to the detriment of the trade and commerce of Great Britain, and certainly of Japan. (Applause). Now sir, it is the duty and business of our country certainly, and of the country to which you belong, to watch most carefully and most cautiously what other nations are doing, and if you see them putting themselves in a predominant position of advantage and by getting that position of advantage they may do something to affect your trade and commerce in the future, it is your bounden duty and that of Great Britain also to take such steps as will stop them interfering with your interests of trade and commerce in the future. (Applause.) Now let me turn for one moment to what is called the policy of the open door. I am suggesting to you nothing new. It is the policy that is supposed to exist at this moment. All that we want in Great Britain, all that I imagine you want here is to stick to the treaties as they are laid down now between your country and China, and not to have them interfered with in any way whatever. That is all you require. But it is no use making treaties and it is no use having great quantities of documentary evidence unless you take steps to see that those treaties are enforced, and that your interests are not interfered with, and here again I want to point out the necessity for a commercial alliance or understanding such as I have already remarked upon, for ensuring that your interests are not interfered with, and assuring that those treaties which you enjoy at present are rigidly kept. There is also the question of trade and commerce and financial interests which you either enjoy or shortly are to enjoy in China and Korea. Well there again comes a point and a great point for Japan to look into. You should be very careful also to take steps that your vested interests in that country are not affected in any way. How can you do it better than by joining such a commercial alliance as I have indicated to you to secure the open door for the future? Well now, gentlemen, there is this point to remember, that trade and commerce and vested interests cannot be ensured or secured in the future merely by protocols, by diplomatic utterances or by paper assurances, particularly when one side holds nothing but those diplomatic utterances and paper assurances, and the other side holds a very important and very formidable military force to carry out the objects which it may have in view. I believe you will agree with me, I believe that the people at home will very soon wake up to the fact that the diplomatic utterances, and paper assurances are not sufficient either to keep the peace or to ensure the development of your trade in the future, and the security for that trade, when once you have developed it. (Applause). Well, gentlemen, those are my views with regard to the open door. I have tried to show you that I think this commercial alliance or understanding is neces-

sary. I am absolutely certain of this that if you can get the four countries, Great Britain, Japan, America and Germany, whose interests are identical with regard to the open door, to join together and put down a definite policy, there will be no war. (Applause.) I am perfectly certain that if they do join together it will be the better for trade and commerce in the future, and I believe myself that as this alliance would make for peace if we all think it out and the great trading classes of those countries think it out, it will be perfectly possible to bring about such an understanding as I have suggested. This is my view of the case.

THE CHINESE ARMY.

"Now it is no use having such an understanding as I have suggested in China without you have another sort of security. The basis of all commerce, of all trade, of all peace and of all security is an efficient military or police force in a country, (applause) as I think you will all agree. Well I have been all over China. I have been treated with the greatest courtesy and the greatest kindness by the whole of the Chinese officials. I have inspected their armies,—all their armies but one—I have been allowed to put them through the manœuvres, to see what they knew; I have been to all their forts and have also trained their guns myself; I have been to all their arsenals, all their training establishments and to their ships and to their one dock-yard; therefore I think I may say, being a naval man and knowing something about military service, I am in a position to judge how far they can give that security which it is our right to demand for our vested interests, and for our trade and commerce. Well I found in China a very excellent lot of men—as good a lot of men as I suppose any country could produce. I believe they would make most excellent soldiers. I am told by those who know them better than I do—your own officers—that they would make excellent soldiers if they were properly trained, properly led, properly fed, and clothed. I have also found in that country some very patriotic and honest mandarins. I do not say there were very many of them (laughter), but there certainly were some, and those that did hold these characteristics I found invariably very poor men. (Laughter.) But I do not blame the other mandarins. If I am going to speak harm of anybody I rather like to put myself in the same position, and I do not know if I were asked to manage one of those great provinces, containing from twenty to thirty million people, and if when I accepted the command I had to pay a very large sum of money for going there and was then told I would get no salary whatever, I do not understand how it would be possible for me to undertake the government of that province unless I went through the process which is generally described as squeezing. (Laughter.) Therefore I say that it is the system which is all wrong, the people are all right and if we got this understanding which I have referred to, it would be our business—the business of these four countries—to see first that China did give us that security which is imperative for the success of our future development in trade, and having seen that they did that, we should help them ourselves to try to get their army into proper order for police purposes. You will agree with me that it is no use calling loudly for the open door, and demanding that the door shall be opened unless the room inside is in order. (Laughter.) And therefore it is for us to consider how to put that room in order. We may invest our money—this country and Great Britain and the other two I have referred to—in trade and property in China, and in commercial enterprises, but if there is no military and police a mob may come down and burn the whole of your property and everything may be destroyed in a short time. There are two cases to be looked at. One is the open door. I have tried to show that it is necessary you should see how to keep it open. The second case is that you should have that efficiency of police and military without which your trade cannot continue in China.

I think the four countries I have already referred to have the right to this, that this army should be put in order, and I would point out to you that if we can carry this idea out, that China will be a very valuable ally to those countries, when her army and her organisation are efficient. When she has her army in proper order she will improve her own condition enormously, so it will be the business of this great Empire to help us to keep the door open and to keep her integrity intact. But first of all, I would refer to your own country. The Japanese understand the Chinese better than any nation in the world, and the Japanese officers have told us the Chinese would make very goood soldiers. Now, why should not the Japanese officers try to put the Chinese army in order, on the understanding that the Chinese should keep the door open? (Hear, hear). In this connection I can refer to Germany. I have myself seen a large number of Chinese troops drilled by the Germans, and nothing could possibly be better than one of those Chinese armies which was drilled by those German officers. Unfortunately, through the influence of another power, the Chinese have turned off all those non-commissioned officers of the German Army, and the consequence is that these men who have been drilled—and most excellently drilled—by the Germans, are going back on their drill, as every officer knows men will go back if they are not kept up to the mark and drilled day by day. Then I come to my own country, Great Britain. We have been not unsuccessful in drilling men of Eastern nations, and I hope and believe Great Britain will be glad to help these other countries in making the Chinese army efficient. I am in hopes also that America, that great continent whose trade is increasing by leaps and bounds in the East, will see the necessity of looking to it that the door is

kept open in a thoroughly practical way ; and I daresay she would lend some officers and men to help to get this great army of China in order. For my own part, I have nothing but a good word to say for the Chinese. As I said before, the people are a very good people ; the traders are honest ; the people are very easily handled, very docile, and they are a very peaceful people ; but their system is bad, and as rottenly bad as any country could suffer under. I have been through all their six arsenals, but, there are only two of those arsenals, that at Shanghai and that at Tientsin, turning out anything useful ; and these two arsenals are more or less under the management of countrymen of my own. I found guns in some of their forts that neither you, nor Germany, nor France, nor England, could make better, but the fronts of their forts were in many cases in ruins and the forts themselves were not defended in the rear, and that is not a very good position for a gun ; and it is upon these points that China wants to be shown how to put herself on a level with other nations with regard to defence. Well, gentlemen, I was speaking about these four nations. I am rather a practical man myself, and I think there is a great sympathy here and at home with regard to what is going on in China ; but I believe that sympathies with nations are often generated by personal interests. You know very well that in these days fleets and armies are not created by countries for gaining territory, or for some dynastic dispute, or for the settlement of difference of opinion between monarchs. Fleets and armies now are created to look after our interests and our trade and commerce, and therefore, when I see a great country like your country getting, or rather I should say already got, your army and your fleets into the excellent condition they are in, I look upon that as merely for defensive purposes for yourselves, and to look after your trade and commerce in the future.

THE POLICY OF SPHERES OF INFLUENCE.

"Now, what is the other possible policy with regard to China ? There is a policy which you have all heard called the policy of spheres of influence. I cannot conceive any policy more absolutely certain to lead to war than that policy. There has been much discussion with regard to the outcome of that policy, but to my mind this is what the result would be. Some countries would say that this "sphere of influence" belongs to them, and they would thereupon proceed to put on a restrictive tariff. I do not know how you are to allow countries particular spheres of influence and then tell them what they are to do in those spheres, and as soon as these countries do take those spheres of influence, and put on preferential rates, their action in the regard will ultimately lead to war. Therefore anything I can do to prevent this policy going into effect I shall do ; and I most earnestly hope that your great commercial classes will think this question out and determine to do their level best to prevent such a policy being carring out. (Applause).

JAPAN'S PROGRESS.

"Might I for a moment refer to the extraordinary progress your country has made in the last thirty years ? I was here thirty years ago as a young lieutenant, and I remember very accurately all I then saw, and I do not believe it is possible for any country to progress at a greater rate than the Japanese have done. I have read there is nothing in history that approaches it nearly. I have heard continually the remark,—I have read it in different papers on the Continent and sometimes at home, that Japan was going too fast, but to my mind that is rather a ludicrous remark. How can any country go too fast in the direction of progress ? I think rather Japan has at times, delayed, but she has never gone back, and until I see Japan going back I shall not think Japan is going too fast. She has never failed yet in anything she has undertaken. I may say this, and it is a notable fact, that Japan is the first Eastern nation that ever had a budget. I understand that you have an eight years' budget for your defensive forces, and if you have, I must take the news home for my own people, because for years I have been trying in the House of Commons, and have succeeded on two occasions, to get a programme laid down based on what you want, vote the money for it and spread that money out over so many years. Then you get a properly efficient force for your money, whereas yearly estimates for defences on such questions as the question of an army or navy, must be very expensive to a country and less efficient. This is the first Eastern country that ever had free education, which is the beginning of national prosperity. Governments which teach their people how to understand important problems are bound to prosper. Then you have a very excellent system of technical education, so as to give your people some chance in life when they begin. I wish I could stay here a year (Hear, hear) to see all I want to see and all there is to be seen. But I have seen something. I have visited some of your manufactories. I went to Osaka, went over the cotton and sugar mills, and nothing could excell the excellence of the management of these establishments, or the excellence of what is turned out. I found on enquiry that some 75 mills have been established in the last thirty years, representing four millions sterling. I have seen it remarked in the papers 'Oh, if Japan opens up great industries it will clash with Great Britain's interests or America's interests.' Now in my opinion there never was a more nonsensical thing said. It is the greatest mistake to think that one country's trade and commerce will suffer because of another's opening up. (Applause). Well, then, I went to another manufactory, your great shipbuilding industry in Nagasaki, and was perfectly delighted to see the great merchant ship laid down there. There are two points about it that struck me with special force. It is a safe ship, either going over a mine, or in the event of being rammed, or anything. She has

got a double bottom, and she has bulkheads with no watertight doors. I shall continually speak about this ship and hold her up as an evidence of the enterprise of Japan. Then I went to Kyoto and visited the electric plant, and I have never seen one, which in my opinion, was more excellent or successful than that. It works some 60 industries, a tramway and the electric light, and as for the machinery itself, it is the most perfect I have ever seen, a fact which is due to our cousins in America, who can certainly produce electric machinery second to none in the whole world. Then I saw the Japanese Army, and there has never been anything more striking than the progress of that Army in detail. I saw the Army in campany with a notable man, and I am a very good judge of discipline, and when I went on the ground, which I did with the Minister of War, I saw there was no noncommissioned officer in too great a hurry to salute his officers. I saw the men looked cheery, well contented and thoroughly drilled, and in fact you could not have a more perfect organization. I made one remark to the Minister of War. I said I did not think the gaiters which the men wore were very good for service, because the buttons came out and I thought there were no buttons to put on in their place; but the Minister of War smiled and took me around when all was over and showed me for myself that each man had three spare buttons on his gaiters. I took off my hat to the Minister and apologised for what I had said. You have proved yourselves good also in war. Nothing could be better than your hospital arrangements, your transport, commissariat, and your reserves of ammunition. More than that. During my progress through China I asked many mandarins questions on the subject, but I heard no remarks except those which were civil and courteous to Japan, which proved to me that your arrangements after the war were those which are exhibited by all civilised nations. May I refer for a moment to the Navy? You have a navy second to none in the world for its size. I know a good number of the ships,—I have seen them in England,—and a good many of the officers who handle them. And you have officers who can navigate the ships, and as I understand they took a large number of troops in the transports without one single accident during the most difficult and dangerous operations. You have officers who can bring the ships through any sea, and bring them safe to any port in the world; and therefore you have the most wonderful organization for rapidity of growth in history.

THE REVISED TREATY.

"Turning to another point in my remarks, I do not think anyone in the room will misunderstand me. I believe I personally was the first public man in England that ventured to suggest that what would be for the interests of your own country and ours would be an alliance between the Empire of the West and the Empire of the East. (Applause.) My friendliness to Japan, as whenever I have had an opportunity to do, has been made as apparent as I could make it, so in the remarks I am going to make now I am confident I will not be misunderstood. There have been great fears expressed in some papers at home and here with regard to the new treaties; but I may point out that the new tre aty as it stands was first agreed to by and first received great sympathy from Engiand. (Applause.) I myself have not the slightest fear as to the success of that treaty. I have heard curious arguments from people and those arguments seemed to imply in some cases that, if a man is sent to prison, he is to be sent there for his own pleasure, but I do not think every body will agree with these arguments. But there is this point. In England, we had our personal liberty long before we got our political liberty. I do not know how it is with you in this country. If we arrest a Japanese for some offence in England we endeavour to allow him counsel, let him see his friends, and render him assistance, especially if he cannot speak a word of the English language. In England we hold that a man is innocent until you have proved that he is guilty. I don't know exactly what your rules are in Japan, but if you arrest a man and do not allow him the advantage of counsel, do not allow him to see his friends, then you are holding him guilty until he has proved himself innocent. It is the English and Americans who are in predominant numbers among the foreigners in Japan, and it is English and Americans who hold those principles of justice to which I have referred. I may ask—I put it forward only as a suggestion—would it be possible for the Japanese Government—not to alter the treaty—but to take the case into consideration whether there should not be some reciprocity with regard to ths matter, so that Japanese should pursue towards English and Americans in th's country the course English and Americans pursue towards them in their own (applause). I say this most respectfully, gentlemen. I find no fault with the treaty, but I merely say I want to do all that within me lies to make this country and the country I have the honour to belong to cement a strong friendship for each other, and I find there is this feeling, and after the extraordinary kindness and courtesy I have received from you I don't think it would be honest and straight for me if I did not tell you this feeling exists. One question more. It is a question which arouses some consideration and reflection in England. It is the subject, gentlemen, of foreigners buying land. I have spoken to several

Japanese gentlemen about that, and they think it is not possible. Now I have always thought that, if either a nation or an individual offers to tell another nation or another individual their business, it is most impertinent conduct. But when we are here on friendly terms we can—not give advice—but ask opinions. One or two of the Japanese gentlemen have said to me, 'I am afraid the land question will be very difficult, but under the new Treaties the foreigners will be allowed to take shares in railways or cotton mills or other manufactures.' I said 'Yes, but you have missed one point. Suppose the foreigner takes shares in railways or other enterprises that become insolvent and the only asset left is the land, where does the foreigner come in? Under the law he can have nothing to do with it. I put it forward respectfully for your consideration. I believe in the future if this country wanted money to increase her great resources she could get it from England. England has plenty of money to lend, and is willing to lend it. This country may want to borrow from her, and I am sure she could get much better terms if this question of foreigners holding land were carefully considered with the one object to increase the friendship—when I say friendship I mean that friendship of two nations is based on vested interests—and to bring the two countries nearer together in the future (applause).

THE FUTURE OF JAPAN.

"Well, I say, gentlemen, in ending my remarks that I regard the future of Japan as assured (applause). I have none of those gloomy forebodings that some people have. I like to see things as they are and not as they might or could be. Japan has gone on not steadily but by leaps and bounds. I see nothing to stop that progress; I see every reason why it should be continued. If any remarks I have made can increase the cordial friendship which I am persuaded exists between Japan and the nation I have the honour to belong to, I shall be happy. Your finances are excellent; you have no foreign loan and you have not even the luxury of a national debt—I do not know, of course, how long you will be without it (laughter). You have the certainty that the Pacific Ocean must be in the future the highway of the world; whatever policy is carried out China will be opened, and Japan will benefit from the opening. You are a point of departure from China and point of arrival from America. You are absolutely certain in my opinion to progress, provided you and the countries I have named will work together for the objects I have named, the integrity of China and the open door (applause). I must apologise for having brought in the political question as well as the commercial question. But there is not really much reason for apology. The political question and the commercial question are absolutely undivided. Upon your political action, upon the political action of Great Britain, America, and Germany depends the commercial future—whether it will be of success or whether it will be of failure. Therefore I hope you will not think I have in any way exceeded my mission by placing the political question side by side with the commercial question. When I get home I shall take an early opportunity of letting the important commercial bodies I represent know of this meeting, and I shall also take an early opportunity of letting the Cabinet and the Government of Great Britain and its Great Empire know of this meeting. And I do hope it will promote your interests and the interests of Great Britain, America, Germany, and China, and the interests of the trade and commerce of the whole world and of all nations. I think you will agree with me that the remarks I have made tend in that direction, and in that of the greatest interest of all, which is the interest of peace (applause)."

The above speech was eagerly and attentively listened to, with frequent cheers, by those acquainted with English, who formed a large proportion of the audience. For the benefit of those not able to follow the speech in the orignal, the address was afterwards ably presented in Japanese by Mr. Ichihara of the Bank of Japan.

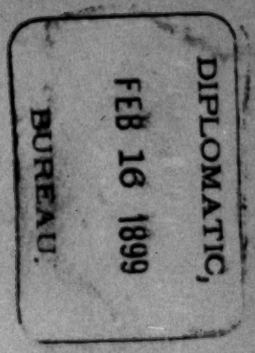
Prince Konoye then turning to Lord Charles Beresford addressed him in these words:

"Your Lordship.—On behalf of all assembled here, I beg to express to your Lordship our sincere thanks for the great honour and benefit you have conferred upon us by your able and valuable speech, which has been warmly appreciated by us all and will be as warmly appreciated by the public at large when they read it reported by the press. Allow me to say that, from what I have been able to gather from your instructive speech, your Lordship has been marvellously successful in your inquiries into the condition of things in the Far East. I hope, all of us hope, most ardently that, on your return to your great country, the valuable information your Lordship has been able to gather in your travels out in the East will bear fruits, and that the views with which you have favoured us will be carried out in practice. In conclusion allow me also to express our hope that the relations of the two nations, which have common interests and common duties, may become closer and firmer through the presentation of your views before the enlightened public of Great Britiain—views which are so fair, so just, and so conducive to the cause of peace and civilization."

Lord Charlrs Beresford again addressed a few words, remarking that he was glad to know from Prince Konoye's address that his views were appreciated and shared by the audience, and assuring his hearers that on his return home he would make it his duty to let his countrymen know the views and sentiments of the Japanese nation. At the instance of Prince Konoye, a lusty *Banzai* (ten thousand years) was given by the assembly for the distinguished guest of the evening. The party then repaired to dining rooms to partake of refreshments. It was after midnight that the meeting dispersed, everybody being highly satisfied with the great success of the function, which will be remembered for many years to come.

Ans'd by cable February 17, 1899. File





NO. 248.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 26, 1899.

Mr. Buck,

to the Secretary of State.

Subject:

Requesting leave of absence for 60 days to visit China.

NO. 248.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 26, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

Being advised by my physician that a trip to China may improve my health, which has not been very good for some time, I have the honor, the affairs of the Legation permitting, to ask for leave of absence for that purpose, not to exceed sixty days, leaving Mr. Herod, First Secretary of Legation, in charge.

If leave of absence be granted, I desire that it take effect from about the first of March, and, as there will not be time to receive answer by mail, I have the honor to request that I be informed by cable, at my expense if necessary.

I have the honor to be,

Sir,

Your obedient servant,

W. W. Rockhill

2D ASSISTANT SECRETARY,
Ack & Draft.
aaa
FEB 28 1899

DIPLOMATIC,
MAR 1 1899
BUREAU.

No. 249.

INDEX BUREAU
REC'D.
28FEB'99
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 31, 1899.

Mar. 3 99

Mr. Buck

to the Secretary of State.

Subject:

Status of Hawaiian citizens. The Bamberger Case.

No. 249.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, January 31, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge the receipt of Instruction No. 174 of the 3rd ultimo, relating to the inquiry of our Consul General at Yokohama "whether the present status of Hawaiians is such as to place them within the jurisdiction of the United States consular officers" as submitted in my despatches 205 and 211, and directing that I obtain through the Consul General the information whether Bamberger claims Hawaiian citizenship by birth or naturalization, when he left Hawaii, and, if naturalized, to furnish evidence of that fact with a statement of his nativity.

Upon the receipt of your Instruction, I immediately addressed the Consul General, requesting the information desired. I herewith enclose a copy of his reply, from which it appears that the party who sought, through the Consul General, to bring action against Bamberger for debt, no longer desires to proceed with the case, has abandoned his suit, and the Consul General has not thought it necessary to pursue the inquiry touching the citizenship of Bamberger as requested, leaving no

no question at issue as applying to that particular case.

I have the honor to be,

Sir,

Your obedient servant,

W. E. Buck

Enclosure:-

Mr. Gowey to Mr. Buck, January 25, 1899.

Enclosure with Mr. Buck's No. 249 .

-(COPY)

No. 983. United States Consulate General.

Tokyo, Japan, January 25, 1899.

His Excellency

Alfred E. Buck,

etc., etc., etc.

Tokio.

Sir:- In reply to your letter of January 14, 1899, I have the honor to state that I have communicated with the manager of the Japan Gazette, who now seems indisposed to push his claim against Mr. Bamberger. I have no knowledge of the latter's nationality beyond the statement made to me last October that he was believed to be or held himself out to be a citizen of Hawaii.

The prosecution of the claim being abandoned, necessity for further inquiry in the premises has ceased, and there only remains as a guide for future cases the question of jurisdiction of this Consulate General ower Hawaiian citizens.

I have the honor to be,

Sir,

Your obedient servant,

(Signed) John F. Gowey,

Consul General.

DIPLOMATIC,
FEB 28 1899
BUREAU.

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REC'D.
28 FEB '99
DEPT. OF STATE

NO. 250.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, February 1, 1899.

Mr. Buck,

to the Secretary of State.

Subject: -

Acknowledging receipt of instructions relating to Postal Convention, etc.

NO. 250.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, February 1, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to acknowledge the receipt of the Department's circular instructions of date the 22nd and 17th of December last, respectively, advising me of the instruments of ratification of the acts of the Washington Postal Congress that have been deposited in the Department of State in addition to those mentioned in your instructions of July15 and October 1, last; and further informing me that the British Ambassador at Washington had advised the Government of the United States that the ministerial approval by Great Britain of the Postal Union Convention, etc., signed at Washington on June 15, 1897, implies equal ministerial approval on behalf of those British colonies which the Imperial Post-Office represents in the affairs of the Union,-- that is to say, all the British colonies belonging to the Union except India, Canada, the Cape Colony, Natal, and the Australasian colonies.

In pursuance with the instructions under reply, the above information has been communicated to the Japanese Government.

I have the honor to be,

Sir,

Your obedient servant,

W. W. Rockhill

File

DIPLOMATIC,
FEB 28 1899
BUREAU.

No. 251.

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REC'D.
28FEB'99
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, February 3, 1899.

Mr. Buck

to the Secretary of State.

Subject:

Disapproval of Hawaiian concession to the Pacific Cable Company.

No. 251.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, February 3, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge the receipt of your Instruction No. 183, dated December 31, 1898, enclosing copy of a notification by you disapproving the concession from Hawaii to the Pacific Cable Company and a copy of a contract between the aforesaid company and the Government of Hawaii.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

DIPLOMATIC,
MAR 6 1899
BUREAU.

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REC'D.
6 MAR '99
DEPT. OF STATE

No. 252

LEGATION OF THE UNITED STATES,

Togyo, Japan, February 6, 1899.

Mr. Buck

to the Secretary of State.

Subject:

Has received circular of December 30, relating to the Postal Congress.

No. 252

LEGATION OF THE UNITED STATES,

Tokyo, Japan, February 6, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge the receipt of your circular instruction of December 30, 1898, relating to the ratification of the Acts of the Washington Postal Congress.

As instructed, I have communicated the information imparted by the circular to the Japanese Government.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

DIPLOMATIC,
MAR 6 1899
BUREAU.

No. 253.

INDEX BUREAU
RECD.
6 MAR '99
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, February 6, 1899.

Mr. Buck

to the Secretary of State.

Subject:

Has received statement relative to the ratifications of the Acts of the Washington Postal Congress.

No. 253.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, February 6, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge the receipt of your instruction dated January 10, 1899, enclosing copies of a statement showing the countries which had, up to date, deposited with the Government of the United States instruments of ratification of the Acts of the Washington Postal Congress, the Acts ratified by them and the countries whose instruments of ratification have not been deposited which have notified this Government of their intention to put the principal convention into execution on January 1, 1899.

As instructed, two copies of the statement have been furnished to the Japanese Government.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

DIPLOMATIC,
MAR 6 1899
BUREAU.

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No. 254.

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REC'D.
MAR 6 '99
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, February 6, 1899.

Mr. Buck

to the Secretary of State.

Subject:

Case of A. A. Vantine & Company.

No. 254.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, February 6, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to acgnowledge the receipt of your instruction No. 186, dated January 7, 1899, enclosing, for my information, copy of correspondence between the Department and Mr. George C. Hazelton, in relation to the difficulties and embarrassments met with by the Association of A. A. Vantine & Company of New York City, resulting from the business investments made by the Association in Japan.

The correspondence has been read with interest.

I have the honor to be,

Sir,

Your obedient servant,

W. W. Rockhill

Ans. despatch
Moore.
Mar. 21/99

DIPLOMATIC,
MAR 6 1899
BUREAU.

NO. 253.

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REC'D.
6 MAR '99
DEPT. OF STATE

BUREAU OF ROLLS & LIBRARY
MAR 6 1899
DEPARTMENT OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, February 10, 1899.

BUREAU OF ROLLS & LIBRARY
MAR 6 1899
DEPARTMENT OF STATE

Mr. Buck,

to the Secretary of State.

Subject:

Transmitting copies of revised treaties and conventions between Japan and other Powers.

NO. 255.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, February 10, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to transmit herewith , under separate cover, one copy each of the Japanese and translated texts of the revised "Treaties and Conventions between the Empire of "Japan and other Powers", compiled by the Foreign Office of the Japanese Government and recently published.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

Mch 8/99
Herod's and book sents to Library Chargé Mar 7/99.

DIPLOMATIC,
MAR 6 1899
BUREAU.

No. 256.

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RECD.
6 MAR '99
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, February 10, 1899.

BUREAU OF ROLLS & LIBRARY
MAR 7 1899
DEPARTMENT OF STATE

Book in Library

Mr. Buck

to the Secretary of State.

Subject:-

Reports on the Government of Burma, Ceylon, etc., by the British Government sent under separate cover.

No. 256.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, February 10, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to transmit to the Department, under separate cover, a copy of the "Reports on Burma, Ceylon, the Malay Federated States, and the Straits Settlements, compiled by Montague Kirkwood, Esquire, Legal Adviser to the Department of Justice of the Japanese Government, and presented to the Japanese Government by the author.

The reports are considered a most valuable exposition of the forms of government practised by Great Britain in the colonies mentioned.

I have the honor to be,

Sir,

Your obedient servant,

H. E. Buck

DIPLOMATIC,
MAR 6 1899
BUREAU.

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RECD.
6 MAR '99
DEPT. OF STATE

DIPLOMATIC BUREAU.

Ack referring to Dept's reply of Feb. 14
Copy to Mr. Schurman, explaining the copy of the telegram which Mr. Buck was directed to mail to him.
March 6. 1899.

Hoca and Copy to J.G. Schurman, new Philippine Commission Mar. 1899

No. 257.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, February 10, 1899.

Mr. Buck,

to the Secretary of State.

Subject:

Confirming cipher telegram of February 10, 1899.

NO. 257.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, February 10, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to enclose herewith the confirmation of my telegram of to-day , and to state that my conversation with Marquis Ito was brought about in consequence of Mr. Edwin Dun, my predecessor as United States Minister, having report- to me that, in an interview he had with the Marquis yesterday, the latter had expressed great concern over the situation in the Philippine Islands, and a strong desire to see the Insurgents accept the control and sovereignty of the United States for their own welfare and preservation, and also to save the United States from the loss of life and the enormous expenditure necessary to overcome them and to secure peace by force of arms; that it was for the interest of Japan and the whole East that the United States should speedily establish peace and good government in the Islands; that the present situation was due largely t o misunderstanding on our part of the characteristics of the Asiatic, and to the suspicious nature of the Philippinos and their want of confidence in us.

Mr Dun reported the Marquis as stating that, considering his knowledge of the people of the Islands, and the past re

lations

lations between the Japanese and the people there, he was confident that he could influence the Insurgents to submit, and would go there in person to accomplish it if desired. Mr. Dun gave me to understand that the Marquis would like to say as much to me. Hence I took occasion to see him, and he confirmed what Mr. Dun had reported to me and expressed himself, as stated in my telegraphic despatch, and, in addition, stated that the people of the Philippine Islands were incapable of self government, and that their only safety was in quietly submitting to the authority and control of the United States, by which they would secure protection in all their rights as a people.

Being much impressed by Marquis Ito's earnestness , and believing in his ability to accomplish something in the direction of his suggestions, I thought it proper to telegraph you as I have.

I have the honor to be,

Sir,

Your obedient servant,

W. R. Buck

Enclosure:

Reading of telegram of February 10, 1899.

With Mr. Buck's No. 257.

Reading of cipher telegram, Mr. Buck to the Secretary of State, February 10, 1899.

Tokyo, Japan, February 10, 1899.

HAY , Washington.-

In the course of conversation to-day with Marquis Ito, not now officer of the Government, he expressed strong desire that we obtain peaceful and speedy control of the Philippine Islands as necessary for their welfare and to save life and money; believes the situation largely due to misconception, consequently, and because of sympathy with the United States in view of the good offices during the war with China, he would be willing to visit Philippine Islands if it is desired or to send some influential men, not as mediators, but to bring the people into peaceful submission. He is confident he can do this because up to the present Philippine Islands have looked to Japan for sympathy and advice and because they are Asiatic(s). He has very great influence throughout the East. If I am rightly informed the Commissioners are expected to arrive thirteenth instant en route Manila. Would it not be well for them to confer with him?

BUCK.

DIPLOMATIC,
FEB 15 1899
BUREAU.

TELEGRAM RECEIVED IN CIPHER.

From Tokio, Feb. 12, 1899.

Received 13:45 A.M.
(13th)

Hay,

Washington.

In the course of conversation today with Marquis Moz, not now officer of the Government, he expressed strong desire that we obtain peaceful and speedy control of the Philippine Islands as necessary for their welfare and to save life and money believes the situation largely due to misconception, consequently, and because of sympathy with the United States in view of the good offices during the war with China, he would be willing to visit Philippine Islands if it is desired or to send some influential men, not as mediators, but to bring the people into peaceful submission. He is confident he can do this because up to the present Philippine Islands have looked to Japan for sympathy and advice and because they are Asiatic; he has very great influence throughout the east. (I am rightly informed, The information) the Commissioners are expected to arrive thirteenth instant en route Manila. Would it not be well for them to confer with him?

Buck.

hered by Miss Morris

Feb. 13, 1899 9.50 A.M.

DIPLOMATIC,
MAR 16 1899
BUREAU.

SPt COMr. PLENIPO.
R. March 15, 1899
Read & Retd March 16 '99

No. 258.

INDEX BUREAU
RECD.
14 MAR '99
DEPT OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, February 17, 1899.

Mr. Buck

to the Secretary of State.

Note and To Dodge & Olcott Mar. 16/99

Ans again April 5/99

Subject:-

Complaint of Messrs. Dodge and Olcott, importers of drugs against Japanese customs authorities.

No. 258.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, February 17, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge the receipt of your instruction No. 178, of date December 20, 1898, enclosing for my consideration and such report as my observation on the subject might enable me to make, copies of letters received by the Department from Messrs. Dodge and Olcott of New York, complaining of the obstacles placed by the Japanese customs authorities in the way of the importation into Japan of drugs shipped from the United States.

Messrs. Dodge and Olcott's complaint of the customs authorities does not appear on examination to be well founded, resting as it does upon a misunderstanding of an Imperial Ordinance relating to Consular Certificates of Origin, which Japan, following the example of many of the commercial nations, has recently adopted. The necessity of such a system of certificates will be appreciated if an examination is made of Japan's commercial relations with other countries.

Under the treaties recently concluded by Japan, in conformity with the stipulations of which the tariff laws, which came into operation on January 1st last, are framed, four nations, namely: Great Britain, Germany, France, and Austria-Hungary, have, by convention limited the taxing power of Japan in regard to the most important articles of trade produced within their territories and shipped to Japan. The benefits of these tariff conventions are enjoyed as well by the citizens or subjects of such nations as are entitled to most favored treatment. There remain a number of powers (Spain, China, and Korea) which are not entitled to favored treatment, as well as the British

British Colonies India, Dominion of Canada, The Cape, New South Wales, Victoria, Tasmania, South Australia, Western Australia, and New Zealand, which have not elected to avail themselves of the stipulations of the British Treaty.

For the sake of elucidating the question here involved, Japan's tariff may be said to be divided under two heads.

1st.- The Conventional Tariff.

Goods produced in a country having a tariff convention are charged according to the terms of that convention. Identical goods produced in a country enjoying most favored nation treatment receive like treatment.

2nd.- Statutory Tariff.

Goods produced in a country having no tariff convention and enjoying no most favored nation treatment are charged according to the tariff legislation of Japan which may be changed at any time.

Under this arrangement, it will be seen that an article of commerce produced in a country having conventional or favored nation treatment bears during the life of the convention a fixed chargel while the identical article produced elsewhere may, and in many cases does bear a much heavier tax, which may be increased at any time by legislation. The question of the place of production, therefore, becomes of importance to the Japanese Government in protecting its revenues and to the favored nations in maintaining the commercial privileges they have secured by treaty. The form of consular certificate of origin, a copy of which I have the honor to enclose herewith, seems as simple as it is possible to make it and obtain a proper identification of the goods which it accompanies. The translated form has been approved by the Government for the convenience of foreign importers in Japan and exporters to this country, and no customs official could refuse to accept it as satisfactory. If the consignor of goods to Japan does not however fulfill the requirements of the law in drawing up his certificate of origin, while it is true that duty will be levied on

British Colonies India, Dominion of Canada, The Cape, New South Wales, Victoria, Tasmania, South Australia, Western Australia, and New Zealand, which have not elected to avail themselves of the stipulations of the British Treaty.

For the sake of elucidating the question here involved, Japan's tariff may be said to be divided under two heads.

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on the goods according to the statutory tariff, still he is given ample time(six months) to make the necessary corrections and to return his certificate in proper form, and, on its receipt, the customs will return the overcharge.

A copy of the ordinance relating to the certificates together with notes explaining the translation and interpretation I have the honor to enclose herewith.

In regard to the charges of ignorance on the part of those in charge of The Imperial Laboratory at Osaka and their discrimination against American drugs, I regret that Messrs. Dodge and Olcott have not been more specific in their complaint.

Under the laws of Japan, drugs intended for medicinal use must be examined at one of the government laboratories and pronounced medicinally pure before labels authorizing their sale are issued. The standards of purity I understand are those set out in the American, British and German pharmacopoeias. I learn ~~from the~~ from the Yokohama repesentative of an American company which does a large business in Japan in drugs that, while the officials of the laboratories are perhaps somewhat acedemic in their decisions and follow too closely the letter of the books, no charge of discrimination against American drugs could be brought by him. In fact, the archives of the Legation, on examination since 1884, show only one complaint of the laboratories on the part of American drug importers, and an investigation showed that the charges were unfounded.

From these statements I do not wish to be understood as implying that Messrs. Dodge and Olcott were not unfairly treated as they charge, but I should advise that they, through their agent, if they have one in Japan, or directly, communicate to me any future case wherein they believe themselves sufferers from the decisions of the customs authorities or the officers of the laboratories.

I have the honor to be, Sir,

Your obedient servant,

Enclosures:

Enclosures:-

1. Copy of Imperial Ordinance relating to Consular Certificates of Origin.
2. Form of Consular Certificate of Origin.
3. Mr. Herod to Mr. Robison, November 18, 1898.
4. Mr. Gowey to Mr. Buck, February 7, 1899.

Enclosure 1 with Mr. Buck's No.258.

Imperial Ordinance No.[illegible]

of October 1897, brought into operation on the 11th October,1898.

Article I.- When the Conventional Tariffs come into force, goods imported into the Empire shall be accompanied by a certificate verifying the place of origin.

ArticleII.- On the certificate of the place of Origin shall be given the mark,number and class,the number of packages,quantity or weight of the goods,the name of the place of manufacture or production,the port and date of shipment. The certificate must be endorsed at the Imperial Japanese Consulate or Commercial Agency at the port of shipment(or, at ports where there is no consulate, by the Customs or other authorities concerned). The certificate shall be valid one year from its date.

Article III.- In cases where the goods are not accompanied by a certificate of the place of origin, or if the particulars in a certificate are incomplete or do not correspond with the goods themselves, or if the certificate is considered improper by the Customs authorities, the duty will be imposed on the goods according to the Japanese Statutory Tariff. If a proper certificate is produced within six months after the importation of the goods, the duty paid thereon shall be reduced to the rates of the Conventional Tariff.

NOTES. It has been agreed by the Japanese Government the the form of consular certificate of origin hereto attached shall be accepted by the Customs authorities as complying with all the requirements of the law.

1. By the terms"Imperial Japanese Consulate" and "Commercial

"Commercial Agency" are meant the offices of the regular salaried officers in the Japanese consular service, all of whom are forbidden by law to engage in any commercial enterprise. The term "Commercial Agent" is not to be accepted in the European sense. The Japanese Commercial Agent is an officer de carriere, salaried and forbidden to engage in trade. Honorary Consuls are forbidden by law to sign a certificate of origin or invoice.

2. The expression "other authorities concerned" used in the second paragraph of Article II of the ordinance has been interpreted by the Japanese Government as including "any national, state, prefectural or municipal officer of a foreign government, who in virtue of his office is entitled to use an official seal. It does not include a notary public"

Enclosure (2) with Mr. Buck's No.255 .

Form of Consular Certificate of Origin.

(Place and date.)

----------.

Invoice of

Marks.	Numbers.	Packages.	Quantity or Weight.	Description of Goods.

I
We hereby declare that the above goods were produced in----------
and are shipped to Japan from the port of ---------- per----(ship's name)----on or about the ----day of ----,189-.

(Signature)

----------;

(Place and date)

----------.

Certificate.

I hereby certify that ----------of----------appeared before me and made the above declaration, and that I believe the same to be correct in every particular.

Signed and sealed this -----day of -----,189-.

(Signature.)

----------.

Enclosure 3 with Mr. Buck's No. 258.

(COPY.)

Legation of the United States,
Tokyo, November 18, 1899.

R. D. Robison, Esquire,
Chairman Yokohama General Chamber of Commerce.

S I R:-

In the absence of the Minister, I have to acknowledge the receipt of your communication of the 10th instant, again bringing to the attention of the Legation the matter of consular certificates of origin, and enclosing extracts from letters "given to" your "Chamber of Commerce by four of the most respectable foreign merchants" x x x which "conclusively prove that two of the Honorary Consuls for Japan in Glasgow and Hamburg are engaged in direct competition with other shippers for export to Japan."

I have no reason to doubt the statements made by the merchants whose letters you enclose; nor should I be surprised to learn that the greater part, if not all of the Honorary Consuls of Japan were engaged in commercial enterprises. In fact, the occupation, calling or profession of an Honorary Consulin no way touches upon the questions of consular certificates of origin. These Honorary agents are not mentioned in Article II of the Imperial Ordinance No: 385 of October 29, 1897, but, on the other hand, as set forth in Mr. Buck's note of the 5th instant, they are by regulation expressly forbidden to sign or endorse any invoice or certificate of origin. The complaints of the Chamber of Commerce appear to rest upon a misunderstanding or an inaccurate translation of the second paragraph of Article 20 of the Ordinance. That portion of the paragraph which has given rise to the misunderstanding is translated as follows:-

"The certificate must be endorsed at the Imperial Consulate "(Teikoku Ryōji-kwan) or Commercial Agency(Shōyaki Jimu-kwan) at the

"the port of shipment".

In other words, the certificate must be endorsed at the office of an Imperial "Ryōji-kan" or "Bōyeki Jimu-kan". No mention is made of an Honorary Consul(Meiyō Ryōji) in the Ordinance, and to prove that he is not by inference included in the class of qualified officers, it is only necessary to consult the Japanese Consular Regulations and the actual working of the foreign service.

Article 30 of the Japanese Consular Regulations, promulgated by Imperial Ordinance No. 30 of May, 1890, clearly defines the term "Ryōji-kan".

> "Article 30. In these regulations the term Ryōji(Consul) "includes consuls-general, consuls, or their deputies, "and also vice consuls furnished with commissions or "their deputies."

All of the above mentioned consular agents are included in the regularly organized and salaried foreign service of the country, and are strictly forbidden to engage in any commercial undertaking whatever.

On the other hand, a correct understanding of the duties and responsibilities of a "Bōyeki Jimu-kan" should present no difficulties. By regulation, he must be a Japanese of [illegible] rank who is appointed to perform consercial duties at a port where the authorities, on account of the military character of the place, or for other reasons which would render inadvisable the residence of a foreign representative with consular privileges, decline to grant an Exequatur to a consul. There is only one "Bōyeki Jimu-kan" in the Japanese service. He is stationed at Vladivostock and is forbidden to engage in trade.

The above explanation will, I trust, make clear to the Chamber of Commerce that consular officers are authorized to endorse the certificates of origin and will remove the fear that exporters to Japan will be obliged to expose their business to Honorary Consuls(Meiyō Ryōji) who may be competitors in the same

same trade. To include these honorary agents in the authorised class would be in contravention of the Imperial Ordinance of October,1897, of the Japanese Consular Regulations, and of the assurances received from the Department of Foreign Affairs.

I am,Sir,

Your obedient servant,

(Signed) Joseph C. Grew,

Secretary of Legation.

Enclosure 4 with Mr. Buck's No. 258.

(COPY.)

No. 987. United States Consulate-General,

Yokohama, Japan, February 7, 1899.

His Excellency

Alfred E. Buck,

etc., etc., etc.

Tokio.

Sir:-

Application was made yesterday to the Chairman of the Yokohama General Chamber of Commerce, Mr. R. D. Robison, for information upon the subject of your letter No. 810, of the 4th instant. The letter of D December 9, 1898, from Messrs. Dodge and Olcott, New York, a copy of which you sent to me had not yet reached Mr. Robison, and, from his remarks, I infer that the Chamber would not be in a position to remedy the grievances complained of.

I have the honor to be,

Sir,

Your obedient servant,

(Signed) John F. Gowey,

Consul General.

DIPLOMATIC,

MAR 23 1899

BUREAU

No. 259.

INDEX BUREAU RECD. 22 MAR '99 DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, February 22, 1899.

Mr. Buck

to the Secretary of State.

Subject:

Telegraphic instruction of February 14th received and copy of Mr. Buck's telegram of 10th February mailed to chairman of American Commission at Manila.

No. 259.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, February 22, 1899.

Honorable John Hay,

Secretary of State,

Washington.

S i r:-

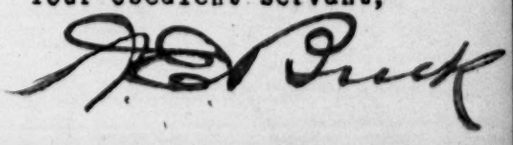
In compliance with your telegraphic instruction of the 14th instant, received on the 17th, which is confirmed on the overleaf, I have the honor to state that, on the 18th instant, I mailed a copy of my telegram to you of the 10th instant to Honorable J.G. Schurman, chairman of the American Commission at Manila as directed. I also mailed to him a copy of my despatch to you of same date in explanation of my telegram.

As my telegram was dated and put into the telegraph office here on the 10th instant, and should have reached Washington on the 10th instant (the 11th here), I take occasion to mention the error in date that you may know that I telegraphed three days before the expected arrival of the commissioners Schurman and Worcester. I should not have thought it best to telegraph you as I did at so late a date as one day before their arrival here.

I have the honor to be,

Sir,

Your obedient servant,



(Over.)

(Copy of Telegram.)

Washington, February 14, 189

Buck, Minister, Tokio.

Mail copy your telegram twelfth instant to J.

Schurman chairman American commission Manila.

Hay.

Filed under U.S. Legation in Japan

Wheaton, Illinois,

February 25th, 1899.



Ack & file
Bu. of Accts will
note. Clerk
Mar 3. 99.

To the Honorable John Hay,
Secretary of State,
Washington.



Sir:

I have the honor to report my arrival at home today, the last of the forty days allowance for transit from Tokyo, from which place I set out on the 17th ultimo.

Expecting to have the honor of paying my respects to you in

in person at an early date,

I have the honor to be,

Sir,

Your obedient servant,

Huntington Wilson,

Second Secretary of Legation

of the United States,

Tokyo, Japan.

file

DIPLOMATIC,
MAR 23 1899
BUREAU.

NO. 260.

INDEX BUREAU
REC'D.
22 MAR '99
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, February 27, 1899.

Mr. Buck,

to the Secretary of State.

Subject:

Confirming Department's telegram of February 17,1899.

NO. 260.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, February 27, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to acknowledge receipt of your telegram of date the 17th instant, which read as follows:

" Buck, Minister, Tokio.

" Leave of absence is granted you for sixty days.

" HAY. "

I have the honor to be,

Sir,

Your obedient servant,

A. S. Buck

3rd. ASST. SECRETARY
MAR 31 1899

Aoki. April 12/99. C.

No. 261.

INDEX BUREAU
REC'D.
29MAR'99
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, March 2, 1899.

Honorable John Hay,

Secretary of State,

Washington.

copied to all
cons. in Japan.
Apr. 7. 99.

Sir:-

I have the honor to acknowledge the receipt of your Instruction No. 197, dated February 2, 1899, enclosing draft of a Supplemental Convention relating to the final adjudication of cases pending in the consular courts in Japan when, on July 17th next, consular jurisdiction will by treaty cease, which you directed me to present to H. I. J. M's Minister for Foreign Affairs with an explanation of the necessity of prompt instructions being wired to Mr. Komura at Washington authorizing him to sign the convention.

Immediately upon receipt of the Instruction, I hastened to the Foreign Office and ~~lay~~ laid before the Minister the draft of the convention and read to him your instructions setting forth the conditions calling for prompt action. Viscount Aoki, after examining the draft, stated that with the exception of the words "and executed" at the end of Article I, his government would be quite willing to accept the article. He said further that Japan could not permit the courts to carry their judgments to execution and that this point had been recently refused to the British and German Governments.

In regard to Article II, he said that the laws of Japan prevented the confinement and control of prisoners by foreign powers after the abolition of consular jurisdiction, but that his government would, at the request of the United States, be willing to confine and keep such prisoners as were in our jails after July 17th, until the United States should make arrangements for their removal from the country.

The Minister then explained that to send by telegraph to Mr.

Mr. Komura before March 5th full powers to sign a convention was an impossibility: that it would be necessary to translate a revised draft: that such draft must receive the endorsement of the Cabinet; that it must receive the approval of the Emperor and the Privy Council: and that full powers must be had from the Emperor. These steps, he assured me, would take at least three days, and that while he was exceedingly desirous of removing all difficulties in the way of a proper administration of justice by the consular courts, the late date of the receipt of the proposals of the United States rendered action on his part impossible.

I had the honor to telegraph you to-day explaining the impossibility of action by the Japanese Government. A copy of the telegram is appended on overleaf.

I have the honor to be,

Sir,

Your obedient servant,



(Telegram)

Tokio, March 3, 1899.

Hay, Washington

March second. Draft of convention received to-day. Minister for Foreign Affairs of Japan regrets not time to submit draft of convention to cabinet, to secure full powers; to consult privy council, and to telegraph Minister of Japan Washington by fourth March. Particulars will be sent by next mail.

Buck.

SOLICITOR'S OFFICE
MAR 30 1899

3rd. ASST. SECRETARY
MAR 31 1899

Dear Mr. Adee:-

The new treaty goes into operation July 17th next. A supplemental convention could not be made effective until December -- nearly six months later. Consular jurisdiction ceases absolutely July 17th. It appears that the Japanese Government will, upon the request of this Government, confine and keep such prisoners as may be in Consular jails, after the 17th until the United States makes arrangements for their removal to this country.

Whether it will be worth while to conclude a convention authorizing our Consuls to take up (after its ratification) the cases which may be pending on July 17th next and proceed to final judgment, depends upon the number and magnitude of such cases. The Consular Courts should endeavor to finally dispose of all cases, so that none are left pending when consular jurisdiction ceases. I suggest that our Minister be instructed to report immediately after July 17th next the cases, if any, then pending in the Consular Courts, their nature, etc. It can then be determined whether a supplemental convention is essential.

F. D.

DIPLOMATIC BUREAU
DIPLOMATIC,
MAR 4 1899
BUREAU.

TELEGRAM RECEIVED IN CIPHER.

From Tokio, March 2, 1899.

Received 10:02 P.M.

Confirming previous paraphrase - daily mar 4.99

Confirmed Mar 6/99

Hay,

Washington.

March second. Draft of convention received today. Minister for Foreign Affairs of Japan regrets not time to submit draft of convention to cabinet to secure full powers to consuls privy council and to telegraph Minister of Japan, Washington, D. C. by 4th of March. Particulars will be sent by next mail.

Buck.

ered by Chief Clerk

Mch. 3, 1899, 8:25 M.

DIPLOMATIC,
MAR 30 1899
BUREAU.
2D ASSISTANT SECRETARY,
Bu. officers will note -
Ack & file. aaa
MAR 30 1899
INDEX BUREAU
RECD.
29 MAR 99
DEPT. OF STATE

No. 262.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, March 3, 1899.

Ackd Apl 11/99

Mr. Herod

to the Secretary of State.

Subject:-

Mr. Buck leaves for China and Mr. Herod assumes charge of the Legation.

No. 262.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, March 3, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to inform you that Mr. Buck, availing himself of the leave of absence granted by the Department in the telegraphic instruction of date February 17th last, left for China yesterday, the 2nd instant, and that, upon his departure, I assumed charge of the Legation in the capacity of Chargé d'Affaires ad interim.

I have the honor to be,

Sir,

Your obedient servant,

Jas. A. Abbott

DIPLOMATIC,
APR 8 1899
BUREAU.

File

No. 263.

INDEX BUREAU
REC'D.
7 APR '99
DEPT. OF STATE

LEGATION OF THE UNITED STATES,

Tokyo, Japan, March 8, 1899.

Mr. Herod

to the Secretary of State.

Subject:

Acknowledges receipt of telegraphic instruction of March 6, 1899.

No. 263.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, March 8, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge the receipt of your telegraphic instruction dated March 6th, addressed "Buck, Tokio", reading as follows:-

"Send Commission Manila enclosure your 256."

While Commissioner Schurman was here en route to his post, I spoke to him of Mr. Kirkwood's work on colonial government, and, at Mr. Schurman's request, I obtained for him an additional copy, which was forwarded to the Commission at Manila with the author's compliments.

I have the honor to be,

Sir,

Your obedient servant,

Joseph C. Kirkwood

DIPLOMATIC,
APR 8 1899
UNITED STATES LEGATION,
TOKYO, JAPAN.
BUREAU.

2D ASSISTANT SECRETARY,
Send the duplicate clipping to the Treasury.
Note & file.
APR 8 1899

Dispatch No. 264

March 14, 1899.

INDEX BUR'L
REC'D.
7 APR '99
DEPT. OF STATE

Mr. Herod ,

to the Secretary of State.

Subject:

Extracts from Japan Mail relating to legislation for encouragement of navigation.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 264.

March 14, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to enclose herewith clippings from the Japan Mail of dates January 10 and March 2, 1899, referring to bills for the encouragement of navigation which have been presented by the Government to the session of the Diet just closed, and passed.

I have the honor to be,

Sir,

Your obedient servant,

Joseph R. Sibley

Enclosures:

Clippings from Japan Mail as above [in duplicate]

Enclosure with Mr. Herod's 264

The Japan Daily Mail.

YOKOHAMA. TUESDAY, JANUARY 10, 1899.

STEAMSHIP SUBSIDIES.

It has always been understood that the Government was prepared to grant a special subsidy to the Nippon Yusen Kaisha on account of its steamship services to foreign countries. In fact a bill in that sense was actually submitted to the Diet a year ago, but failed to come up for discussion; or was purposely held back by the committee appointed to examine it. If the principle of State aid to navigation be admitted at all, the Nippon Yusen Kaisha certainly seems entitled to special treatment, for the provisions of the Navigation Encouragement Law enacted in 1896 are not of such a nature as to warrant a company in investing a large sum for the establishment of lines which must be kept working for many years if they are to be at all successful. The present Cabinet is reported to have taken these points into careful consideration, and to have decided upon asking the Diet to make a special grant for a fixed term of years to the Nippon Yusen Kaisha on account of its European line. But it appears that the Toyo Kisen Kaisha has now come forward, and set up a claim that it has just as valid a title to public assistance as the Nippon Yusen Kaisha, and that, if the nature of its vessels be taken into account, it ought to be even more liberally encouraged than the older company. There is, of course, an obvious element of justice in such a claim. But we greatly doubt whether experts would rate the vessels of the Toyo Kisen Kaisha in a higher class than that occupied by the ships of the Nippon Yusen Kaisha. The chief difference between the two companies is one of a moral character, not a material. The Directors of the Nippon Yusen Kaisha were undoubtedly encouraged by the Government to start their European, American, and Australian services. Had they simply consulted the financial interests of the shareholders, they would never have embarked upon vast enterprises which, on the one hand, demanded a large outlay of capital, and, on the other, presented little prospect of commensurate profit. In order to furnish and equip steamers for these services, the shareholders had to abstain from pocketing several millions of *yen* which had been fairly earned by their vessels during the war. When that very praiseworthy and courageous sacrifice was made, every one understood clearly that the Directors of the Nippon Yusen Kaisha were actuated by considerations of a patriotic character and that they had the interests of the empire in view, not those of the company alone. We are not seeking to import any element of sentiment into a business transaction. Sentiment is out of the question. The whole matter rests on a most practical and intelligible basis. Japan must have a fleet of transports. To provide means of carrying her troops is just as important a part of her *post bellum* scheme of military expansion as is the provision of the troops themselves. Her army, as many of her publicists have justly pointed out, is her chief factor of potentiality for purposes of alliance with a Western State. A fleet can be placed in these waters without much difficulty, but no Occidental Power could supply, despatch, and maintain a strong military force for service on the East-Asian continent without straining its resources almost beyond endurance. Japan, on the other hand, has a quarter of a million of well-trained and well-equipped troops available at any moment for campaign purposes on the neighbouring continent. But could she carry them thither? Without means of transport her army might as well be non-existent. In recognition of that fact the Ito Cabinet, when it drafted the *post-bellum* programme in 1896, asked the Diet to pass laws for promoting navigation and ship-building. They consented, but the method of administering the laws has been such that one is led to suspect their administrators of altogether ignoring the true object of the legislation. Instead of applying the laws so that they should afford a maximum of encouragement to ship-builders and ship-owners, the great aim of the officials, in the beginning at any rate, was apparently to relieve the Treasury from all payments. A more intelligent spirit seems to have prevailed subsequently, but there is no denying that the necessity of providing mechanism for military transport receives at the hands of officials no serious recognition as compared with the expansion and organization of the army. The directors of the Nippon Yusen Kaisha have been more faithful to their national duty. They have procured ships at a heavy outlay, and placed them upon lines indicated by the Government as well as by public opinion. To us it appears that the duty of assisting them presses imperatively on the State so long as the scheme of military expansion is not abandoned. The position of the Toyo Kisen Kaisha presents itself in a somewhat different light. The Company's vessels would undoubtedly be useful for purposes of military transport, but the line upon which they have been placed offers an almost certain prospect of fine profits, and they have, moreover, been amalgamated with the fleet of two foreign companies plying on the same line. They are thus secured against foreign competition and practically assured of financial success. If the steamers of the P. M. S.S. and O. & O. S.S. Companies bring good dividends to their owners, as they have always done, then the steamers of their new partner, the Toyo Kisen Kaisha, must share their prosperity. The Toyo Kisen Kaisha, were it granted a special subsidy for the Yokohama-San-Francisco service, would have

to dissolve its partnership with the two foreign companies or hand over to them a fair share of the subsidy. For these reasons it can not reasonably claim, we think, to be entitled to the same treatment as is accorded to the Nippon Yusen Kaisha. At all events, experience has proved that the Nippon Yusen Kaisha's European and American services can not be maintained at present without special State assistance. When the same fact has been established in the case of the Toyo Kisen Kaisha's San-Francisco service, it will be time enough to determine whether the Treasury should come to the rescue.

Enclosure with Mr. Herod's No. 264

The Japan Daily Mail.

YOKOHAMA. THURSDAY, MARCH 2, 1899.

ENCOURAGEMENT OF NAVIGATION.

The Government has submitted to the Diet a Bill marking an important new departure in the system of navigation encouragement. The method inaugurated by the laws promulgated in March, 1896, is general in character. To make the matter quite clear it will be necessary to recapitulate the provisions of the present laws. The Navigation Encouragement Law enacts that any iron or steel steam-ship of at least 1000 tons (displacement), capable of steaming at 10 knots speed, and owned and employed by a Japanese subject on service between Japan and foreign countries, or on inter-port service in foreign countries, shall receive 25 *sen* per ton for every thousand miles run annually, provided that she is constructed in such a manner as to satisfy certain prescribed requirements; and provided, further, that, if built abroad, she is not more than five years old at the time of registration (for the purpose of obtaining a subsidy in Japan), or more than fifteen years old whenever built. With regard to vessels bigger and faster than the above mimima, there is a sliding scale of encouragement money. Thus, for every additional 500 tons the subsidy is increased by 10 per cent., and for every additional knot of speed, by 20 per cent., up to 6,000 tons and 17 knots, after which limits there is no increase. The grant is not permanent, of course: it is paid in full for the first five years, after which it is reduced by 5 per cent. annually. Vessels receiving encouragement money are always to be at the service of the State in case of emergency. They are also required to carry mail matter and officials without charge, and they have to give free passage and suitable maintenance to students of navigation: two in each ship up to 2,500 tons; three up to 4,000 tons, and 4 in larger vessels. There is also a law for encouraging the construction of ships in Japan. It provides that any steel or iron steam-ship, of not less than 700 tons burden, built in a Japanese yard with materials not of foreign manufacture (unless specially permitted by the Minister of communications), shall be eligible for a bounty, on condition that her quality satisfies legal requirements, the rate of bounty being 12 *yen* per ton from 700 to 1,000 tons, and 20 *yen* per ton for larger vessels. Further, if her machinery is made in the same yard, or in some other Japanese yard approved by the Minister of Communications, she is entitled to a further bounty of 5 *yen* per unit of registered horse-power.

Evidently the tendency of this system is to encourage speculative ship-building. When it is known that a vessel satisfying certain conditions as to size, construction, and speed, will obtain from the Treasury an annual allowance sufficient to go far towards paying her working expenses, there is a great templation to build her on the mere chance of finding for her a modicum of employment somewhere or other. Take the case of a 4,000 ton vessel with a maximum speed of 15 knots. Her encouragement money, according to the above scale, is 65 *sen* for every 1,000 miles run during the year. Hence if she is at sea for six months in the year, running 250 miles a day, the total distance covered is forty-five thousand miles, and her encouragement money amounts to 117,000 *yen* per annum. With such an income assured her owners can afford to place her upon a line where the transport business is in itself much too small to warrant any services of the kind. Possibly if the spirit of speculation had not been unduly excited by the war of 1894-5, these new laws would not have produced any undesirable results. But they are plainly based on a defective principle, the better advised plan being to grant subsidies for services which not only meet national needs, but also offer some prospect of becoming self-supporting. The Government's navigation aids are not, indeed, confined to the sums disbursed under the above laws. Various lines have to be independently subsidized. In order to give our readers a clear idea of the disbursements now made by the Treasury in this section of State expenditures, we proceed to collect the details, from the various chapters of the Budget for next year:—

AIDS TO NAVIGATION IN 1899–1900.

	yen.
Services between Nemuro and Iterup, Otsu and Hakodate, and Otaru and Abashiro	15.000
Service to Ogasawara (formerly 6 voyages annually; now increased to 12)	11,000
Service between Ogasawara and neighbouring Islands	900
Service between Oki and Hoki... ...	600
Service to Okinawa	5,000
Service to Oshima and Islands of Kagoshima...	6 000
Service between Okinawa and neighbouring Islands...	3.000
Service to Hokkaido	15,000
Subsidy to the Nippon Yusen Kaisha.	880,000
Service to Australia	525.657
(This subsidy is now actually 348,900 *yen*, but a proposal to increase it will be submitted to the Diet and doubtless passed).	
Service to Bombay	192,108
Service to Vladivostock	27.717
Service to Korsakoff	23 490
Service to the Yangtsze-Kiang	228.753
(This subsidy is now 249,547 *yen*, but a proposal to increase it is about to be made).	
Service to Shanghai, Suchow and Kiao chou	30,179
Grants under the Law of Navigation Encouragement...	3.968,084
Grants under the Law of Ship-building Encouragement...	277,250
Total	6,209,738

This is a somewhat formidable list, but it will be observed that out of the total of 6 millions, in round numbers, the new laws

re responsible for 4½ millions. We do not understand, however, that the Government is alarmed at the amount. The point is that the laws are not working satisfactorily, and that they commit the State too deeply unless some limit is enacted. It has therefore been decided to invite the Diet's consent to the imposition of two restrictions. The first is that in the case of ships constructed abroad and registered in Japan subsequently to the 1st of October, 1899, only one half of the encouragement money provided by the Law will be granted. The second is that the total period for granting assistance shall be eighteen years, counted from October 1st, 1896, when the laws went into force. The 1st of next October has been fixed in consideration of the fact that all vessels, ordered in consequence of the promulgation of the Law, will be completed and registered by that date. To change the Law so as to exclude such vessels would be an obvious injustice, whereas, on the other hand, it is evidently desirable to prevent the placing of any new orders. Briefly speaking, the effect of these amendments is, on the one hand, to make the Navigation-Encouragement Law's operation terminate in the year 1914, and to limit the State's maximum liabilities under it to approximately the sum now set down in the estimates. The Law for the Encouragement of Shipbuilding, moreover, is to remain operative as originally drafted. Thus far the expenditure that its provisions have imposed upon the State is not large, nor is it likely to be large, for some time to come at all events. Shipbuilding in Japan shows signs of fairly rapid development, but the number of vessels constructed in such a manner as to satisfy the requirements of the Law is insignificant. The most notable work was that last year completed at the Mitsu Bishi Docks in Nagasaki, when a six-thousand ton steamer was turned out for service on the Nippon Yusen Kaisha's European line. Although the Treasury must have paid encouragement money amounting to a hundred and thirty thousand *yen*, approximately, on account of this vessel, she proved a very heavy loss to her builders. They have another ship on the stocks now—the ship of which Lord Charles Beresford spoke so enthusiastically to the meeting in the Imperial Hotel, and it is possible that the bitter experience gained in the previous case may bring this second venture to a profitable issue. But there are not many firms in Japan wealthy enough to try experiments so costly as those essayed by the Mitsu Bishi, and no immediate prospect presents itself of the Treasury's being obliged to pay any large sum under the Ship-building Encouragement Law.

Simultaneously with restricting the operation of the law for the encouragement of navigation in general, the Government asks the Diet to sanction yearly subsidies to three special lines, namely:—

	yen.
The Nippon Yusen Kaisha's Japan-Europe Line	2,673,894
The Nippon Yusen Kaisha's Japan-Seattle Line...	654,030
The Toyo Kisen Kaisha's Japan-San-Francisco Line	1,013,880
Total...	4 341,804

These subsidies are to commence from January 1st, 1900 and to continue until December 31st, 1909, namely, a period of 10 years. It is provided that the Nippon Yusen Kaisha must place upon its Japan-Europe line 12 steamers of at least 6,000 tons displacement, capable of steaming 14 knots; and on its Japan-Seattle line, 5 steamers of 6,000 tons and 15 knots; and that the Toyo Kisen Kaisha must place on its Japan-San-Francisco line, 3 steamers of 6,000 tons and 17 knots. The number of voyages is to be 26 a year, 13 a year, and 14 a year on the European, Seattle, and San-Franciscan Services, respectively; the vessels must not be more than 4 years old at the time of the commencement of the subsidy; they must satisfy the requirements of law as to quality; they must carry the mails; they must give free passage and maintenance to students of navigation, as provided in the Navigation Encouragement Law; and they must be placed at the disposal of the State in the event of a national emergency. If the Diet approves of these proposals, as seems probable, the total sums paid by the State from next year for the encouragement of navigation and ship-building will be 10½ million *yen*. We have always anticipated this increased call upon the Treasury. Reviewing Japan's *post-bellum* finance in 1897, we pointed out that three additions would have to be eventually made to her expenditures, namely, 13 millions for the maintenance of the Navy, 8 millions for Formosa, and 6 millions for the promotion of navigation. The forecast has proved correct, though the Government's figures differ from our estimates. The additional sum allowed for the Navy is 7½ millions; that for Formosa, 12 millions, and that for navigation and ship-building 8 millions, approximately.

There is one more point to which attention may be drawn. The Navigation Encouragement Law of 1896 contains a clause to the effect that in ships receiving the bounty foreigners must not be employed without the permission of the Minister of State for Home Affairs. No difficulty appears to have been experienced hitherto in obtaining permission, but we are glad to see that the clause is not repeated in the new enactment relating to special subsidies. Its omission is not of any practical value, since the vessels on the three newly subsidized lines are already in receipt of bounties under the law of 1896, and must therefore comply with its provisions. Still the disappearance of the restriction constitutes an agreeable feature.

UNITED STATES LEGATION,
TOKYO, JAPAN.

DIPLOMATIC,
APR 8 1899
BUREAU.

No. 265.

March 14, 1899.

INDEX BUREAU
RECD.
7 APR 1899
DEPT. OF STATE

Mr. Herod,

to the Secretary of State.

Subject:

Closing of the 13th session of Imperial Diet.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 265

March 14, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to inform you that on the 9th instant the Imperial Diet was prorouged after a sitting of ninety-seven days.

The session just passed has from the Government's standpoint been successful, the Diet having adopted with minor amendments only, nearly all the legislation recommended by the Cabinet.

A number of bills relating to foreigners in Japan which are of importance in view of the coming into effect of the new treaties will be translated and forwarded to the Department as soon as practicable.

I have the honor to be,

Sir,

Your obedient servant,

Joseph C. Sorooks

No. 266.

DIPLOMATIC,
APR 20 1899
UNITED STATES LEGATION,
TOKIO, JAPAN.

2D ASSISTANT SECRETARY,
Ack with thanks for
Mr Kirkwood's generosity-
Cable
APR 19 1899

INDEXED BUREAU
RECD.
18 APR '99
DEPT. OF STATE

March 23, 1899.

see April 3 to com.

Ackd Apl 22/99

Mr. Herod

to the Secretary of State.

see 2/13 3/85 Apl "Mem"
5 25

Subject:-

Mr. Kirkwood's Report on Burma, Ceylon, etc.

No. 266.

UNITED STATES LEGATION,
TOKYO, JAPAN.

March 23, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

Referring to your telegram of date March 8, 1899, instructing me to send to the Commission of the United States at Manila a copy of Mr. Montague Kirkwood's "Report on Burma, Ceylon, The Straits Settlement and The Malay Protected States", I have the honor to inform you that, the day after the receipt of the instruction, I wrote to Mr. Kirkwood telling him his work had been highly appreciated in Washington, and, in reply, I received from him a confidential note, a copy of which I enclose herewith without comment.

As the report, with the exception of a few copies presented to the Japanese Government, was intended for private circulation only, I shall be obliged if the Department, provided it has not already been done, will instruct the Legation to convey to Mr. Kirkwood thanks for his gift of two copies for the use of our Government.

I have the honor to be,

Sir,

Your obedient servant,

Joseph C. Grew

Enclosure:

Mr. Kirkwood to Mr. Herod, March 10, 1899. Copy.

Enclosure with Mr. Herod's No. 266.

(Copy.)

Tokyo, March 10, 1899.

Joseph R. Herod, Esquire,

etc., etc., etc.

My dear Herod:-

Many thanks for your note informing me that your Government seem to think my Report may be of service to the Commission sent to Manila. I feel much honored; but whilst appreciating the value thus set on it, I feel at the same time that it is so general in its nature that it may fail to be of much practical use when it comes to elaborating any system or scheme of administration, for, in preparing it for the Japanese Government, it was only intended that it should set out for the information of the Cabinet and the officials concerned the main features of government in the countries with which it treats, leaving details to be furnished when required.

For collecting such details and for studying the working of the machine I had special facilities, seeing that I was the guest of every Governor and Resident, and not, when travelling, every assistance from all officials, taking with me, as I did, very special letters of introduction from the Secretaries of State for India and the Colonies and from the Viceroy of India.

And I may say this without fear of contradiction, that whilst I, of course, can lay no pretension to so accurate a knowledge of the system of any one of the countries reported on as the officials serving in such country possess, yet that I was the first person to travel through all those countries for such a special purpose or to collect such special information. I had an unique experience and an unique opportunity of forming an opinion of what would be best under similar conditions elsewhere.

Being, as you know, one of those many Englishmen who desire to

to see Anglo-American ties of friendship drawn closer, and the United States prosper, and appreciating very fully the immense difficulties your Government will have to contend with in the Philippines, I would wish to let you know-in strict confidence- that I shall be very pleased to render any assistance to the Commissioners that may be in power from the mass of information I have acquired in connection with colonial government in Asia, of which I have made a study now for several years; of the French systems in Asia in theory only; of the English systems in Asia in theory and in practice. I may also add that, should your Government think it would serve any useful purpose, and could obtain from the Japanese Government the permission for me to do so, I would visit your Commissioners at Manila and place at their disposal in a private capacity such advice or information as they might ask for.

You will treat this as entirely private and confidential . It is only to express to you my readiness to assist your Government should I in any way be able to do so:

(Signed.) Montague Kirkwood.

I visited also India and studied her institutions, but they were of too vast a nature and too complex to form the subject of a short report for any useful ends.

File

No. 267.

UNITED STATES LEGATION,
TOKYO, JAPAN.

SOLICITOR'S OFFICE
APR 21 1899

March 23,1899.

BUREAU
RECD.
18 APR '99
DEPT OF STATE

Mr. Herod

to the Secretary of State.

Subject:-

Instructions of Minister of Justice to the Public Procurators.

No. 267.

UNITED STATES LEGATION,
TOKYO, JAPAN.

March 23, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to enclose herewith clippings from the "Japan Times" giving, with editorial comments, translation copy of instructions recently issued by the Minister of Justice to the Public Procurators of the Appeal and Lower Courts, urging prompt action in the prosecution of all offenses and the granting of bail where the proper administration of justice does not prevent.

In view of the fact that there is no law in this country corresponding to our habeas corpus, these instructions are of importance to foreigners who are soon to come under Japanese jurisdiction, and, if properly carried out, will, to a certain extent, take the place of the judicial reform bill which, in the last session of the Diet, met the approval of the Representatives but failed of passage in the Upper House.

I have the honor to be,

Sir,

Your obedient servant,

Joseph C. Grew

Enclosure:-

Clippings from "Japan Times" as above.

ELSEWHERE is published a translation of a remarkable note addressed by the Minister of Justice to the presiding Public Prosecutors of the Local and Appeal Courts, touching various important points connected with improvement in the conduct of judicial business. The Minister lays great stress upon the importance of respecting the personal freedom of accused persons and of expediting the various stages of proceedings, so that the least possible inconvenience and waste of time may be occasioned. It is especially satisfactory to note that he enjoins upon Public Prosecutors to make it a rule, not an exception, to grant bail and *sekifu*. *Sekifu* is a process in which an accused is released from detention and entrusted to the charge of one of his relatives or friends, who thus becomes a surety for his attendance at the court whenever his presence is required. Of course the ultimate authority who grants a bail or *sekifu* is the presiding Judge, but he is usually guided by the opinion of the official Prosecutor, and the latter, it has hitherto been universally complained, has been prone to object to bailing except on rare occasions. In view of this fact, the strongly worded instructions just issued to the presiding Public Prosecutors throughout the country, are particularly satisfactory; we hope and believe that these officials will promptly and honestly act upon the orders given them by the Minister of Justice in language so unequivocal, and we may even say, peremptory. But practically the most important and at the same time the most difficult of the reforms to which the Minister of Justice directs the attention of the Public Prosecutors, relates to the conduct of police assisting in the initial stages of criminal procedure. The Public Prosecutors are charged to see that such police so conduct their business as to inflict no unnecessary restraints upon the liberty of, and cause no needless waste of time, to persons arrested for petty crimes or more serious offences. While fully recognizing the difficulties attending any reformatory effort where a body of men of imperfect education is concerned, we may nevertheless hope for a salutary effect from the energetic manner in which the Minister of Justice has taken up this important question, especially as we believe that instructions to the same effect have been issued to the chief police authorities in the country. The indefatigable zeal and assiduity with which Mr. Seigo Kiyoura, Minister of Justice, is addressing himself to the task of improving the conduct of judicial business, must be a source of sincere gratification on the part alike of the Japanese and foreign sections of the community.

JUDICIAL IMPROVEMENT.

The Department of Justice is steadily taking measures for improvement of the judiciary, as may be inferred from various reports that have been published by us relative to this important question. Another important instruction has been issued by Mr. Kiyoura, Minister of Justice, to the presiding Public Prosecutors of the Appeal and Local Courts. The principal points in the instruction are as follows:—

"1.—The act of instituting a prosecution is, of all the functions invested in a Public Prosecutor, one that requires the utmost circumspection. When, therefore, in consequence of accusation or information or of any other cause, a case has been received by a Prosecutor, he should, whether that case requires preliminary examination or a public trial, make all possible inquires into the alleged facts, evidences adduced, etc, and should institute a prosecution only when he shall have thoroughly satisfied himself as to the guilt of the accused party. In such manner alone can a Public Prosecutor satisfactorily fulfil his official trust.

"2.—It is also important that what has been stated above should be well borne in mind by the police in the exercise of their judicial functions. Their attention must be called to the necessity of refraining from acts calculated to trespass upon personal rights, and with regard to minor cases where incriminating evidences are deemed not clear or with cases which, though substantiated by incriminating evidences, are deemed extremely limited as to the scope of offence and not considered, from the standpoint of public interest, as requiring punishment; the police on judicial duties must be instructed promptly to conclude the necessary examinations, to release the accused on bail and forward to the court the documents connected with such cases. The police should thus be caused to abstain from needlessly infringing upon the personal freedom of the accused.

"3.—Whether regarding preliminary examinations or a public trial, the detention of defendants should be limited only to those cases where there is danger of their escape or effacement of evidence, and it goes without saying that a defendant must not be needlessly detained. Even with regard to the defendants already in custody, when in course of proceedings their further detention is deemed unnecessary, care should be taken to speedily release them either on bail or *sekifu* (to keep them in charge of relatives or friends). And even if no application is made for bail or *sekifu*, the public prosecutor should on his own initiative allow bail or *sekifu* whenever practicable, to the end that the inviolability of personal freedom may be properly respected and the duration of the time of detention be minimized.

"4.—It is a point not unfrequently inviting public regret that the progress of judicial proceedings is liable to delays, with the consequent prolongation of the detention of the accused. This complaint is primarily attributable to ignorance of the various rules and regulations in connection with legal proceedings. Particularly with regard to appeals, matters are generally so complicated that a speedy pronouncement of judgment is frequently impossible. Nonetheless, those who are holding responsible posts ought to take a hint from that complaint. At local and lower courts, whether it be flagrant delict or not, whenever a case is considered to be of a simple character and amply substantiated by evidence, prosecution should be promptly instituted, so that, barring objections on the part of the accused, sentence may be passed on it either on the day when the case has been received, or on the next day. In the same way the Appeal Courts should devise proper measures, to the end that the progress of proceedings may be expedited and the duration of the time of imprisonment minimized.

"Apart from the points not covered in the foregoing statements, any reforms that may be judged possible and desirable should be speedily and thoroughly carried out."

In connection with the above instruction, the *Kokumin* gives some interesting information. According to the returns for the 30th fiscal year (1897-98) of the cases brought into Courts, over 44 per cent were dismissed as a result of preliminary examinations, while of the cases subjected to trial, a little over 10 *per cent.* were acquitted. The imprisonment of persons accused of minor offences has long been judged by those who are in a position to know as not only devoid of any utility, but even attended with positive harm. The Tokyo Local Court has been acting on this principle since last year, and with excellent results. The same Court has also adopted a judicious innovation regarding bails and *sekifu*, which consists in the annexing by the Prosecutors of labels to the documents connected with trials, calling the attention of Judges concerned as to the advisability or otherwise of admitting bail. Great care has been exercised at the same Court since January last in the matter of expediting the progress of proceedings, so that whether it be a flagrant delict or otherwise, minor cases are being tried on the day following their lodgement. The experiment, though still of short duration, has been attended with excellent results, for against 115 and 96 cases pending trial in January and February respectively of last year, the corresponding number this year was only 87 and 69.

ELSEWHERE is published a translation of a remarkable note addressed by the Minister of Justice to the presiding Public Prosecutors of the Local and Appeal Courts, touching various important points connected with improvement in the conduct of judicial business. The Minister lays great stress upon the importance of respecting the personal freedom of accused persons and of expediting the various stages of proceedings, so that the least possible inconvenience and waste of time may be occasioned. It is especially satisfactory to note that he enjoins upon Public Prosecutors to make it a rule, not an exception, to grant bail and *sekifu*. *Sekifu* is a process in which an accused is released from detention and entrusted to the charge of one of his relatives or friends, who thus becomes a surety for his attendance at the court whenever his presence is required. Of course the ultimate authority who grants a bail or *sekifu* is the presiding Judge, but he is usually guided by the opinion of the official Prosecutor, and the latter, it has hitherto been universally complained, has been prone to object to bailing except on rare occasions. In view of this fact, the strongly worded instructions just issued to the presiding Public Prosecutors throughout the country, are particularly satisfactory; we hope and believe that these officials will promptly and honestly act upon the orders given them by the Minister of Justice in language so unequivocal, and we may even say, peremptory. But practically the most important and at the same time the most difficult of the reforms to which the Minister of Justice directs the attention of the Public Prosecutors, relates to the conduct of police assisting in the initial stages of criminal procedure. The Public Prosecutors are charged to see that such police so conduct their business as to inflict no unnecessary restraints upon the liberty of, and cause no needless waste of time, to persons arrested for petty crimes or more serious offences. While fully recognizing the difficulties attending any reformatory effort where a body of men of imperfect education is concerned, we may nevertheless hope for a salutary effect from the energetic manner in which the Minister of Justice has taken up this important question, especially as we believe that instructions to the same effect have been issued to the chief police authorities in the country. The indefatigable zeal and assiduity with which Mr. Seigo Kiyoura, Minister of Justice, is addressing himself to the task of improving the conduct of judicial business, must be a source of sincere gratification on the part alike of the Japanese and foreign sections of the community.

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"2.—It is also important that what has been stated above should be well borne in mind by the police in the exercise of their judicial functions. Their attention must be called to the necessity of refraining from acts calculated to trespass upon personal rights, and with regard to minor cases where incriminating evidences are deemed not clear or with cases which, though substantiated by incriminating evidences, are deemed extremely limited as to the scope of offence and not considered, from the standpoint of public interest, as requiring punishment, the police on judicial duties must be instructed promptly to conclude the necessary examinations, to release the accused on bail and forward to the court the documents connected with such cases. The police should thus be caused to abstain from needlessly infringing upon the personal freedom of the accused.

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DIPLOMATIC,
APR 22 1899
BUREAU.

No. 268.

UNITED STATES LEGATION,
TOKYO, JAPAN.

March 23, 1899.

INDEXED
RECD.
18 APR '99
DEPT OF STATE

March Apl. 2-4/99 a.

3rd. ASST. SECRETARY
APR 21 1899

Mr. Herod

to the Secretary of State.

Subject:

Address delivered by a Philippine insurgent in Tokyo

No. 268

UNITED STATES LEGATION,
TOKYO, JAPAN.

March 23, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to inform you that, on the evening of Monday, the 13th instant, a dinner was given at the Tokio Club in this city, whereat the representatives of the leading metropolitan papers listened to an address delivered by Dr. Mariano Ponce, an agent of the Philippine insurgents, purposing to set forth the conditions existing in the Philippine Group, and closing with an appeal for the assistance of the Japanese press and people in the struggle which is being made against the United States.

The affair was widely commented upon by all the Tokyo journals and in thus disclosing the views of the Japanese people on the Philippine question has not been without result. The press, while offering some sympathy to the insurgents, is unanimous in advising them to submit to the authority of the United States and thus secure the benefits of a better government than they, in all probability, could themselves maintain.

The dinner was arranged by a Mr. J. Shiga, an ex-councillor of the Department of Foreign Affairs, and now editor of the "Nippon-Jin". In consequence of his violation of the rules of the Tokio Club-a purely social organization- he was by a unanimous vote expelled from the Club on the 17th instant.

The Dr. Mariano Ponce referredto , who claims to be a secretary to Aguinaldo, came to Japan some months ago with the intention of purchasing arms and amunition. In this mission he has been unsuccessful and, according to the reports of the Japanese police, two weeks ago he he remitted to the Junta at HongKong the $50,000 which he brought with him to this country.

I have the honor to enclose herewith clippings from "The Far East" and "The Japan Times" giving accounts of the meeting.

I have the honor to be,

Sir,

Your obedient servant,

Joseph R. Brooks

Enclosures:-

Clippings from "The Far East" and "The Japan Times".

HE FAR EAST:
ATIONAL DEPARTMENT OF THE KOKUMIN SHIMBUN.
kyō, Wednesday, March 15th, 1899.

HE FILIPINO REPRESENTATIVES IN TŌKYŌ.

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Ponce claims that the Filipinos have freed themom the Spanish yoke after two years of fights crifices; that they must be independent in oraccomplish a "great humanitarian mission in cert of nations and in the progress of civilization"; t a Republican Government has been established universal consent of the whole population, emg the doctrines of Montesquieu and the princip'es Magna Charta, the Edict of Nantes and the French tion. [Why not include in the list the American ation of Independence?] During the eight months xistence, this Government has "initiated many ial things in the country" such as the establishf a university, organization of postal and tele- communications, "urbanization of principal " encouragement of agriculture and industry, and ion of the international trade. In a word, the y, under the Republican régime, have been given boon and is full of bright prospects. The Filiovernment wishes to keep friendly relations with ions, especially the "nation of the Extreme Orient hich we [the Filipinos] are tied by common in as well as by the identity of race, customs and ons." But the work of perfecting the political, economical and social institutions in the Philippines is being obstructed by the ambition of America which "desires to despoil us [the Filipinos] of the holy independence which we have gained with a high price, deprecating our sacrifices and not respecting the national wishes." Dr. Ponce denies the validity of the Peace Treaty by which Spain ceded the sovereignty over the Philippines to America, because Spain had totally lost her rights over the archipelago before the signing of the Protocol at Washington. "Spain could not," he maintains, "transfer a sovereignty which she had not." The people represented by Dr. Ponce have pronounced their last word: "The Philippines will become an American possession only when there are no more Filipinos." Dr. Ponce therefore appeals to the Japanese people for their sanction of the cause of Filipino independence. The Filipino Government, however, is not unwilling to come to an agreement with the Americans, as is shown by a paragraph in its message to the National Assembly on the 2nd of January last: "The Government will always acknowledge the preferential right of the great North American nation to the gratitude of the Filipinos and will study with special care and affection the means of conciliating the interests of both nations as far as the definitive establishment of the indenpendence of the Philippines make such possible."

In conclusion Dr. Ponce ventured to request the Japanese journalists to exercise their influence to secure the recognition of the independence of the Philippines under the conditions which both the Filipinos and the Americans may agree upon. Mr. Shiga assured the Filipino guests of the good wishes of all present for the prosperity of the Philippine people; but, as to the question of their independence, he judiciously abstained from any expression of opinion.

While sympathyzing with the Filipinos for their aspiration to participate in the general march of civilization, we regret that we can not concur in all the contentions of Dr. Ponce. There are two aspects of the problem of Filipino independence, one legal and the other practical. In the eyes of international law, are the Filipinos legitimately an independent State and the Americans unlawful intruders? With regard to this question, we have to take exception to the argument of Dr. Ponce that the transferance of sovereignty by Spain is invalid. However much the Filipinos may have contributed to the success of American arms, the plain fact viewed from an international standpoint is that the sovereignty over the Philippines has been acquired by the United States through the acquiescence of the conquered State. If the Filipinos refuse to obey American rule, they must be regarded as in rebellion against the legitimate State authority. A rebellious people can not claim to be recognized as an independent nation before its *de facto* independence is unmistakably established, and the military strength of the Filipinos as against the Americans is still an unproved quantity at the most. With reference to the practical aspect of the Filipino problem, we doubt very much if independence pure and simple is conducive to the real interest of the Philippine people. But Dr. Ponce spoke of independence under agreements with the Americans. If autonomy under American suzerainty or protection is what Dr. Ponce meant, the Filipinos' aspiration to it may be described as natural and reasonable. But, for attaining this object, they need not make such a fuss as they are making at present, for the American Government appears not to be undisposed to establish a system of local automony in the Philippines.

HE FAR EAST:
TIONAL DEPARTMENT OF THE KOKUMIN SHIMBUN.
V3, Wednesday, March 15th, 1899.

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FILIPINO EMISSARIES IN TOKYO.

As announced, at the instance of Messrs. Shiga, Kuga, and Shimada, a meeting took place on Monday at the Tokyo Club between the representatives of the Metropolitan press and Mr. Ponce, personal secretary to Aguinaldo, and Mr. Ribero, both of whom have been staying in Yokohama for some time past. The two gentlemen were accompanied by a young Filipino now studying at the "Morning Star" School at Kudan, who acted as interpreter. Dinner over, after a short prefatory remark from Mr. Shiga, Mr. Ribero briefly replied in an appropriate speech, and was followed by Mr. Ponce with his "appeal to the Japanese people." However, Mr. Ponce himself did not deliver his speech. It was undertaken on his behalf by the young interpreter who read it from a note written in English. The "appeal" was not long. It dwelt on the administration conducted by Aguinaldo and his Council, the hearty welcome with which it was hailed by all the natives of the Philippine group, declared that the transference of the group to the United States by Spain by the Treaty of Peace was unjustifiable, inasmuch as the Philippines had freed themselves from the Spanish yoke prior to the conclusion of that Treaty. The speech ended with appeals for the moral, if not material, support of the Japanese people, to whom the Filipinos were connected by ties of blood and so forth, in the latter's struggle for freedom from the American dominion.

Mr. Ponce, we may note *en passant*, is still a young man, not much over thirty, of bland and engaging manners. He graduated at the University of Madrid. He and his fellow countrymen look exactly like Japanese. The gathering dispersed about 9 with a short remark from Mr. Chisen Asahina, editor of the *Nichi Nichi*, who, on behalf of his fellow journalists, thanked Mr. Shiga and others for the trouble they had undertaken in connection with the assembly of the evening. The Press representatives present were over thirty, of whom we may mention the names, besides Messrs. Shiga and Kuga, for Mr. Shimada could not come, Messrs. Chisen Asahina, Iichiro Tokutomi, Kammei Ishikawa, Yujiro Miyake, Gensaku Tsuchiya, Kichitaro Ikebe, Kanjuro Watanabe, etc. Messrs. Tomotsune Komuchi, M.P., and Katsundo Minoura, M.P., were also present.

The Japan Times.

TOKYO, THURSDAY, MARCH 16TH, 1899.

THE FILIPINOS.

WE publish elsewhere an account of the meeting which took place on Monday between some Filipino emissaries and the journalists of Tokyo. The latter were very powerfully represented, as may be seen from the fact that there were present, among others, men like Mr. Shimada of the *Mainichi*, Mr. Shiga of the *Nipponjin*, Mr. Kuga of the *Nippon*, Mr. Asahina of the *Nichi Nichi*, and Mr. Tokutomi of the *Kokumin*. To avoid all misunderstanding, it must be stated that the sole object of the meeting was to listen to the statements of the Filipino gentleman who describes himself as a private secretary of Aguinaldo. Many of those present, too, had probably gone there out of curiosity. As yet there is no sign that the appeal has had its desired effect upon any of the journals represented at the meeting; probably it will not produce such effect on any of the more important organs of opinion. The *Nippon*, alone among the leading dailies in the capital, may possibly to a certain extent take up the cause of the Filipinos, as it has on more than one occasion manifested sympathies for the efforts of those islanders to resist the American rule. But the other papers of standing will refrain from committing themselves to such a course. It is true that a large section of the Japanese, ourselves among the rest, feel a genuine sympathy for the Filipinos in their struggle for independence; it is only natural that a high-spirited people, which the Filipinos certainly are, should aspire for an independent national growth. But at the same time the majority of intelligent Japanese are aware that the Filipinos are contending against immense odds; that they have little chance to assert their claim by force against a Power like the United States; and that, consequently, the wisest course for them under the present circumstances will be to accept the American rule with good grace. However much their lot may be sympathised with by individual Japanese, this country is not in a position to extend any moral or material help to them; on the contrary, Japan, if officially approached by them,—although such an approach is impossible, for we do not recognize the Filipinos in any international capacity,—she would advise them to recognize the hard necessity of facts and place themselves under American sovereignty. There is no doubt that a better advice cannot be given them by any of their far-sighted well wishers. America's honour is now at stake, and whatever opposition there may be in a section of the community there, the Washington Government will reduce the islands into complete subjection at any cost in men and money. In face of this certainty, it is simply madness on the part of the Filipinos to prolong the unequal contest; such a course will be highly prejudicial to their interests when they are brought to the inevitable submission to American rule. We, therefore, sincerely advise Mr. Ponce and his friends in the Philippines to lay down their arms and rely upon the fairness and justice of the Americans, who, we are sure, will not prove bad rulers.

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SOLICITOR'S OFFICE
APR 21 1899
DIPLOMATIC,
APR 22 1899
BUREAU.

No. 269.

UNITED STATES LEGATION,
TOKYO, JAPAN.

March 23, 1899.

INDEX BUREAU
RECD.
18 APR 99
DEPT. OF STATE

Mr. Herod

to the Secretary of State.

Ans. Apl. 25/99

Subject:

Date of operation of the French Treaty with Japan.

No. 269.

UNITED STATES LEGATION,
TOKYO, JAPAN.

March 23,1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to call the Department's attention to Article XXIV of the Treaty of Commerce and Navigation between France and Japan signed at Paris August 4th,1896, the first sentence in the first paragraph of which reads as follows:-

"Le présent Traité ne produira ses effets que trois ans au "moins après la signature."

It will thus be seen that the French Treaty cannot come into operation prior to August 4th of this year, eighteen days after the date(July 17th) fixed for the operation of the American Treaty in common with that agreed upon by the other powers which have in recent years concluded treaties with Japan. In consequence, citizens of France will continue, under the old and now existing treaty of October 9,1858, to enjoy the privileges of consular jurisdiction up to August 4th and, after July 17th and up to August 4th, when their new treaty comes into force, will secure under the most favored nation clause in the old treaty all rights of residence, commerce and navigation guaranteed to citizens and subjects of other powers under the provisions of their treaties whereby consular jurisdiction is abolished. In other words, French citizens will, from July 17th to August 4th, enjoy all the rights of other foreigners in matters relating to navigation and commerce and, in addition, extraterritoriality and freedom from taxation by Japan.

In view of the concise nature of Article XVIII of the American Treaty of November,1894, which provides that on July 17th next consular "jurisdiction shall absolutely cease and determine" and the fact that our most favored nation clause relates only to matters of navigation and commerce, I realize that a claim for the continuance of

No. 269.

of consular jurisdiction up to August 4th could not be maintained. On the other hand, Article XIV referred to does guarantee to citizens of the United States most favored nation treatment in all that concerns commerce and navigation and, if French citizens are, up to August 4th, to be free from taxes of all kinds levied by the Japanese Government I am of the opinion that American citizens should enjoy equal "privileges, favors and immunities."

If my opinion coincides with that of the Department, I have the honor to request instructions authorizing me to claim at the proper time all privileges of trade and navigation that will be enjoyed by French citizens after July 17th and up to August 4th, 1899.

That the date for the operation of the French Treaty differs from that fixed upon in Japan's other engagements is due to the carelessness of the Japanese negotiator at Paris. Since the ratification of the treaty Japan has tried ineffectually to have the date changed to July 17th.

I have the honor to be,

Sir,

Your obedient servant,

Joseph R. Strobel

Dip. Bureau
Cons. Bureau

No 250

UNITED STATES LEGATION,
TOKYO, JAPAN.

DIPLOMATIC,

APR 22 1899

March 23, 1899.

BUREAU.

INDEX BUREAU
REC'D.
18 APR '99
DEPT. OF STATE

U.S. ASST. SECRETARY
APR 19 1899

Mr. Herod

to the Secretary of State.

Answered
Apr 24/99
C

Subject:

The termination of consular jurisdiction.

No. 270.

UNITED STATES LEGATION,
TOKYO, JAPAN.

March 23, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

Referring to your instruction No. 196, of date January 31, 1899, enclosing a draft of a proposed convention relating to the continuance to execution and judgment of cases pending in the United States Consular Courts on the coming into operation of the Treaty of Commerce and Navigation of November, 1894, and to Mr. Buck's reply thereto, No. 281, dated March 2, 1899, explaining that it was impossible for Japan to take the necessary steps preliminary to negotiations in the short time to which the United States was limited, I have the honor to inform you that, on two occasions recently, I brought to the attention of the Minister of Foreign Affairs the matters incorporated in the proposed convention.

I explained carefully to Viscount Aoki the position of the United States, pointing out that the Revised Statutes governing the exercise of consular jurisdiction extended to (had effect in) those countries only where by treaty jurisdiction over its own citizens is vested in the Government of the United States; that, in the case of Japan, if Article VI of the American Treaty of July, 1858, was held to expire absolutely and without condition on July 17th next, the Revised Statutes no longer had effect in this country and that our consular officers could not, even with the consent of the Japanese Government, continue to exercise jurisdiction or act in a judicial capacity; and that the only means of reviving such jurisdiction was by a convention of the same formality as a treaty.

Viscount Aoki expressed his regret that the United States had not brought the matter to his attention at an earlier date, and said that, his Government, in order to terminate consular jurisdiction awith as

as little friction as possible, was desirous that the powers of our consular courts should continue to be exercised in regard to such cases as should be pending on July 17th next until in such cases final and definitive judgments had been rendered. The execution of such judgments or of any unsatisfied judgment after July 17th, however, must be by Japanese courts. He added that he was now negotiating with the British Representative with the view of entering into an arrangement whereby judgments against British subjects, rendered in British courts in cases pending on July 17th, or judgments against British subjects given prior to that date but remaining unsatisfied, might be certified to the proper Japanese courts and there accepted as having all the validity of their own judgments andexecuted as such. With this exception, the hands of the Government were free, and he was ready to enter into any arrangement agreable to the United States.

I then asked him if he would be willing to notify me by memorandum or by an exchange of notes that the interpretation given by Japan to Article XVIII of the American Treaty of 1894 was that on and after July 17th next all cases involving the rights of American citizens were justiceable only by Japanese courts, but that the said article did not deprive the consular courts of the United States of jurisdiction in such cases as were pending therein on July 17th, which cases the consular courts should, and in virtue of the rights vested in the diplomatic and consular officials by the Trety of July, 1858, had the authority to bring to final and definitive judgment. In putting this question I explained that I did so without instructions from my Government, but only tentatively that I might I might disclose to the Department all features of the case and leave to it such action as might be deemed expedient. Viscount Aoki took the matter under consideration and promised me an answer with a short time.

In regard to prisoners, provided our laws permit without the authority of a convention, I think there will be no difficulty in having such as are American citizens transferred to the keeping of the Japanese authorities until their sentences expire or until they are removed to the United States . I do not however think Japan will agree to take charge of any prisoners who may be of other nationality

tionality for fear of complications with other powers.

Instructions on all questions referred to are awaited.

I have the honor to be,

Sir,

Your obedient servant,

Joseph R. Hawley

nationality for fear of complications with other powers.

Instructions on all questions referred to are awaited.

I have the honor to be,

Sir,

Your obedient servant,

Joseph C. Hoover

DIPLOMATIC PRINTED IN ADVANCE SHEETS NO. 415 & 427

MAY 2 1899

BUREAU.

UNITED STATES LEGATION,
TOKYO, JAPAN.

2D ASSISTANT SECRETARY,

APR 25 1899

NO. 271.

INDEX BUREAU
REC'D.
24 APR '99
DEPT. OF STATE

March 31, 1899.

Sent and
To Int. Dept
" Int. " Congr.
" Treas. Dept
May 4/99

Mr. Herod,

to the Secretary of State.

To Treas again
May 22/99

and three copies
of Advance Sheets
of Cons. Rpts, No.
427, mailed to
Mins. to Japan
May 20/99

Subject:

Transmitting translations of new laws relating to foreigners.

UNITED STATES LEGATION,
TOKYO, JAPAN.

NO. 271.

March 31, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

Referring to my No. 265, of date the 14th instant, I have the honor to enclose herewith translations of the following laws relating to foreigners passed by the last Diet, which have appeared in the "Japan Gazette" and have been revised at this Legation:

1. Tonnage Dues Law
2. Nationalization Law
3. Trade Marks Law
4. Copyright Law
5. Law Relating to the Use of Seals by Foreigners and the Right of Legal Succor.

I may add in this connection that the Revised Commercial Code was passed by the Diet without change as presented by the Government, and is substantially the same as given in Dr. Lonholm's translation which was transmitted to the Department with Mr. Buck's No. 173, of July 26, last.

I have the honor to be,

Sir,

Your obedient servant,

Joseph R. Stevens

Enclosures: Translations of laws as noted.

Encl. No. 1 with Mr. Hewlett's No. 271

The Japan Gazette.

YOKOHAMA, 24TH MARCH, 1899.

TONNAGE DUES REGULATIONS.

We hereby sanction the Tonnage Dues Regulations approved by the Imperial Diet and order them to be promulgated.

(Imperial Seal and Signature).

March 28rd, 1899.

MARQUIS YAMAGATA ARITOMO,
Minister President of State.
COUNT MATSUKATA MASAYOSHI,
Minister of Finance.

LAW No. 88.

TONNAGE DUES REGULATIONS.

Art. I.—When vessels going to and from foreign countries for the purpose of foreign trade enter open ports tonnage dues of five sen will be charged for each registered tonnage, or for every ten *koku** ($\frac{4}{10}$ ton) of draft each time they enter. Provided that dues at the rate of fifteen sen for each registered tonnage or for every ten *koku* is paid at once no dues shall be required to be paid for one year at the port where such dues are paid.

The registered tonnage of vessels of a country which has a mode of measurement different from the Empire shall be converted in accordance with the metric system fixed in the Empire.

Art. II.—Tonnage dues shall be paid by masters of vessels when such vessels enter ports.

Art. III.—No tonnage dues shall be imposed on vessels which have entered ports on account of maritime disasters or other unavoidable causes, provided that this shall not apply to cases where the loading or discharging of cargo is done, without being necessitated by any of the causes referred to in this article.

Art. VI.—The Superintendent of Customs may, if he considers it necessary, take measurements of any vessel.

Art. V.—When a vessel has cleared with the intention of avoiding tonnage dues or without paying them the master of the vessel shall be punished with a fine corresponding to three times the amount of the dues not paid or which it was intended to avoid.

Art. VI.—As regards the investigation and punishment of offences Customs Law shall be applied, provided that the term during which a notice given be fulfilled not more than forty-eight hours from the receipt of such notice.

Art. VII.—As to the collection of tonnage dues the system of collection for national taxes shall be applied.

SUPPLEMENTARY RULES.

Art. VIII.—The date of putting into force of this Law shall be fixed by an Imperial Ordinance.

Law

"burden"

* 1 koku = about 5.13 bushels

ton of

to the Customs House

be

not

Encl. No. 2 with Mr. Hervis No. 271.

25th March, 1899.

NATIONALIZATION LAW.

The following Nationalization Law has been recently published in the *Official Gazette* under Law No. 66.

NATIONALIZATION LAW.

Art. I.—A child whose father is a Japanese subject, when born, shall be a Japanese subject. If his father, who died before he was born was a Japanese subject, the child shall also be a Japanese subject.

Art. II.—When a father has lost Japanese nationality by divorce or separation prior to the birth of a child, the provisions in the preceding article shall be applied back to the beginning of the pregnancy of the mother.

The provisions in the foregoing clause shall not be applied to cases where both father and mother have left their family, provided that this shall not be applicable when the mother has been restored to her original nationality prior to the birth of the child.

Art. III.—In cases where the father is unknown, or where he has no nationality, if the mother is a Japanese subject the child shall be Japanese.

Art. IV.—If both the father and mother of a child born in Japan are unknown, or have no nationality, the child shall be Japanese.

Art. V.—A foreigner shall acquire Japanese nationality in the following cases:—

1. When she (if a female) becomes the wife of a Japanese.
2. When he (if a male) is adopted as the husband of a Japanese.
3. When recognised by a Japanese father or mother.
4. When adopted as the son or daughter of a Japanese.
5. When naturalized.

Art. VI.—In the acquiring of Japanese nationality by foreigners by recognition, the following conditions are required to exist:—

1. That the foreigners are in the age of minority according to the law of their original countries.
2. That they (if females) are not wives of foreigners.
3. That either father or mother ~~if recognised~~, shall be Japanese.
4. That, when both father and mother have ~~been~~ recognised at the same time, the father shall be Japanese.

Art. VII.—Foreigners may be naturalized by obtaining the permission of the Minister for Home Affairs.

The Home Minister shall not be allowed to give permission for naturalization unless the following conditions are complete:—

1. That the applicants shall have their domicile in Japan for five consecutive years or upwards.
2. That they shall be twenty years of age or upwards and have civil rights according to the laws of their original countries.
3. That they shall be of upright character.
4. That they shall own property or possess accomplishments which will enable them to lead an independent livelihood.
5. That they shall have no nationality, or lose their nationality on account of acquiring Japanese nationality.

Art. VIII.—The wife of a foreigner shall not be allowed to be naturalized unless in company with her husband.

Art. IX.—The following foreigners may be naturalised if they actually have their domcile in Japan ~~and if~~ the conditions in No. 1 in Cl. 2 of Art. VII are complete:—

1. Those whose fathers or mothers are Japanese.
2. Those whose wives are Japanese.
3. Those who were born in Japan.
4. Those who own dwellings in Japan for ten consecutive years or upwards.

Those in Nos. 1 to 3 in the preceding clauses, shall not be allowed to be naturalized unless they own their dwellings in Japan for three consecutive years or upwards, provided that this shall not apply to cases where either father or mother in the case of No. 3 is born in Japan.

Art. X.—Foreigners may be naturalized even though the condition in Nos. 1,2 and 4 in Cl. 2 of Art. VII are not complete if they actually own their dwellings in Japan and if either their father or mother is Japanese.

Art. XI.—Foreigners who have rendered special meritorious services to Japan may be allowed to be naturalized by the Home Minister subject to the Imperial sanction, the provisions in Cl. 2 of Art. VII notwithstanding.

Art. XII.—Notice of naturalization is required to be given in the *Official Gazette*.

Naturalization cannot be set up against a third party who has acted in good faith unless after such nationalization has been notified.

Art. XIII.—The wife of a person who acquires Japanese nationality acquires Japanese nationality in company with husband.

The provisions in the foregoing clause shall not apply to cases where there are contrary provisions in the law of the country to which the wife belongs.

Art. XIV.—When the wife of a person who has acquired Japanese nationality has not acquired Japanese nationality in accordance with the provisions in the foregoing article she may be allowed to be naturalised even though the conditions in Cl. 2 of Art. VII are not complete.

Art. XV.—When a child of a person who acquires Japanese nationality is in the age of minority according to the law of its original country, it acquires Japanese nationality in company with its father or mother.

The provisions in the foregoing clause shall not apply to cases where there are contrary provisions in the law of the child's original country.

Art. XVI.—Naturalized persons, descendants of naturalized persons acquiring Japanese nationality and persons who are adopted as husbands or sons of Japanese shall not be entitled to enjoy the following rights:—

1. To become a Minister of State.
2. To become the President, or Vice President of the Privy Council or a Court Councillor.
3. To become an official of the Imperial Household of *chokunin* rank.
4. To become a Minister Plenipotentiary.
5. To become an officer of the Army or Navy.
6. To become the President of the Court of Cassation, of the Audit Bureau or of the Court of Administrative Litigation.
7. To become a member of the Imperial Diet.

Art. XVII.—The Home Minister may remove, after obtaining an Imperial sanction, the restrictions prescribed in the preceding article after the lapse of five years from the date of acquisition of nationality in the case of persons to whom naturalization has been allowed in accordance with the provisions in Art. XI and after the lapse of ten years in the case of other naturalised persons.

Art. XVIII.—When a Japanese woman marries a foreigner she loses Japanese nationality.

Art. XIX.—Persons acquiring Japanese nationality by marriage or adoption shall lose Japanese nationality by divorce or separation, only in cases where ~~it should be necessary to own~~ foreign nationality.

would necessarily be acquired.

Art. XX.—Persons who have voluntarily acquired foreign nationality lose Japanese nationality.

Art. XXI.—The wife or child of a person who has lost Japanese nationality loses Japanese nationality when his nationality is acquired.

The father's or husband's

Art. XXII.—The provisions in the preceding article shall not apply to the wives and children of persons who have lost Japanese nationality by divorce or separation, provided that this shall be excepted in cases where a wife does not obtain divorce at the time of the separation from husband, or where a child has left the family in company with his father.

Art. XXIII.—When a child of a Japanese has acquired foreign nationality by recognition, it shall lose Japanese nationality, provided that this shall not be applicable to cases where the child becomes the wife or is adopted as husband or son of a Japanese.

Art. XXIV.—Boys of the age of seventeen years and upwards shall, in spite of the preceding five articles, not lose Japanese nationality when they have already submitted to the active service of the Army or Navy or unless when they have no obligation to submit to the service.

unless

Persons who actually occupy civil or military posts shall not lose Japanese nationality unless they have lost their offices, the provisions in the preceding six articles notwithstanding.

Art. XXV.—When persons who have lost Japanese nationality by marriage own their dwellings in Japan after they have been divorced, they shall be entitled to recover their Japanese nationality by obtaining permission of the Home Minister.

have their domicile

The marriage has been cancelled

Art. XXVI.—When persons who have lost Japanese nationality on account of the provisions in Arts. XX and XXI, own their dwellings in Japan they may recover Japanese nationality by obtaining permission of the Home Minister, provided that this shall not apply to cases where the persons referred to in Art. XVI have lost their nationality.

have their domicile

Art. XXVII.—The provisions mentioned in Arts. XIII to XV, shall be applied to cases referred to in the foregoing two articles.

SUPPLEMENTARY RULES.

Art. XXVIII.—This Law shall be put into force from April 1st, 1899.

Note: Compare Mr. Lönholm's translation of Civil Code, p. 315

Encl No. 3 with Mr. Herod's No. 271

The Japan Gazette.

YOKOHAMA, 25TH MARCH, 1899.

TRADE MARKS REGULATIONS.

Law No. 38.

Art. I.—Any person wishing to make exclusive use of a trade mark to distinguish his own merchandize, shall obtain registration of the device chosen according to this Law.

Art. II.—Letters, diagrams or marks which correspond with the following designs will not be registered as trade-marks:—

1. Those which are exactly similar to the Imperial Chrysanthemum escutcheon or resemble it.
2. Those which are exactly similar to or resemble a national, or naval or military flag, or decorations, or a foreign national flag.
3. Those which are liable to disturb public order, injurious to public morals or apt to deceive the public.
4. Those which are exactly similar to or resemble one already in use by other persons, or one which has not for more than one year lost the effect of registration.
5. Those which are exactly similar to or resemble one in use by another person prior to the coming into force of these regulations.
6. Those which show the common name of an article or its place of production, or which show its grade, quality, or shape by customary commercial letters, diagrams or marks, or which mention commonly used names of persons, companies or partnerships, or business names, by common type of letters.
7. Those which have no enclosure, figured ground or other conspicuous marks.

Art. III.—The period of time during which a trade mark can be exclusively used shall be twenty years, counted from the date of registration.

The term of exclusive use of the trade marks registered in foreign countries and also in the Empire afterwards, shall be the one allowed in the original registration provided that it shall not be allowed to exceed twenty years.

Art. IV.—Persions desirous of continuing the use of their trade marks after the term of their exclusive use has expired, may apply for a fresh registration.

Art. V.—The exclusive use of trade marks is limited to articles indicated by applicants according to the distinctions prescribed by the Minister of Agriculture and Commerce.

Art. VI.—When the holder of a trade mark wishes to transfer his business to another person or engage in business jointly with him, he may transfer or hold in common his trade mark. In this case he cannot set up against a third person unless an application is made to the Patents Bureau and the change registered.

When the holders of a trade mark for a similar article own trademarks resembling it they cannot obtain registration under the foregoing clause unless they make transfers mutually or hold in common or abandon the use of such similar trade marks.

Art. VII.—Persons wishing to obtain the registration of a trade mark shall apply to the Director of the Patents Bureau. The application should be accompanied by samples of the merchandize on which a trade mark is affixed, and in it should be given descriptions of merchandize for each trade-mark.

Art. VIII.—When two or more than two persons have applied for the registration of trade marks similar to or resembling another for a similar article, the registration will be allowed to the person who has applied first ~~and the other applications rejected~~ provided that this shall not apply to cases where all the applicants ~~combine in one.~~

when two or more applications are filed simultaneously neither will be registered

Art. IX.—When persons who have made an application for the registration of their trade marks in a country belonging to the International Union for the Protection of Industrial Rights have applied for the registration of a similar trade mark within four months from the date of the original application, the new application shall have the same effect as the one made on the day of the original application.

are reduced to one person [by the withdrawal of the others].

Art. X.—When the trade marks registered are found to be in violation of Art. II or VIII the registration shall be null and void provided that this shall not be applied to cases where those trade marks which correspond with No. 4 or 5 of Art. II. or which conflict with Art. VIII and have passed three years since their registration.

Art. XI.—In the following cases the Director of the Patents Bureau may cancel the registration.

1. When the holder of a trade mark has embodied untrue statements in it relating to the place of production or quality of commodities on which the trade mark is used after its registration is made.
2. When the holder of a trade mark has not, without valid reason, appointed the agent referred to in Art. VI of the Patents Regulations in accordance with Art. XX within six months.

Art. XII.—The right to exclusive use of a trade mark ceases with the abolition of the business by the holder of registered trade mark.

Art. XIII.—Any person desirous of obtaining the registration of his trade mark shall pay a fee of Y. 30 for each kind of commodity on which a trade mark is used.

The same shall apply when a trade mark is renewed

Art. XIV.—The Patents Bureau shall issue the Trade Marks *Official Gazette* and publicly notify all necessary matters relating to the registration of a trade mark.

Art. XV.—When a witness or an appraiser has made false statements or judgment to the Patents Bureau or a court by which he has been requested to give evidence, he shall be punished with imprisonment from one month to one year, and a fine ranging from Y. 5 to Y. 50.

major

Persons who have caused him to make false statements or judgment by bribes or other means shall be similarly punished.

When the offenders alluded to in the two foregoing clauses have given themselves up at the Patents Bureau or the court by which they have been requested before decision or judgment is given, they shall be acquitted of punishment.

Art. XVI.—Persons who have manufactured, delivered or sold a trade mark similar to or resembling one belonging to another person knowing that it is the trade mark of the latter, or who have used on their merchandize a trade mark similar to or resembling that registered by another person or who have knowingly sold or stored for sale such merchanize shall be punished with imprisonment of from one month to two years or a fine of from Y. 20 to Y. 500.

major

Persons who have used boxes, covers or other things in which merchandize is packed for similar commodities knowing that such boxes etc., have a registered trade mark of another person or who have, with knowledge sold or stored for sale such merchandize, or who have used a trade mark similar to or resembling the registered trade mark of another

person in advertisements, signboards or business circulars for the purpose of selling similar articles, shall be punished in like manner.

Art. XVII.—Persons who have obtained the registration of a trade mark by fraudulent representations, or who have affixed labels of registered trade marks or marks resembling them on commodities for which no trade mark has been registered or who knowingly sold or stored for sale such commodities, shall be punished by imprisonment of from 15 days to one year or a fine of from Y. 10 to Y. 800.

Persons who have used, in their advertisements, signboards or business circulars, a label showing that a trade mark is registered or a mark resembling it, for the purpose of selling their goods without getting their trade marks registered, shall be similarly punished.

Art. XVIII.—In the case of Art. XVI. or Art. XVII. a trade mark and ~~an~~ articles ~~on which it is to be affixed~~, shall be forfeited and merchandize, boxes, covers or other articles which should not be separable from the trade mark will be ordered to be destroyed.

Art. XIX.—Offences under Art. XVI. shall be dealt with only on the production of an accusation by the aggrieved party.

Art. XX.—The provisions in from Arts. VI to X, Arts. XII, XIII, XV, XXI, XXIII, from Arts. ~~XXXVIII to XXVII~~, Arts. XLIII and LI in the Patents Regulations shall be applied with regard to trade marks.

Art. XXI.—When a guild composed of business men of the same line to which permission has been granted by the authorities concerned, wishes to exclusively use its business mark for a trade mark, registration may be obtained in accordance with these provisions.

The business mark registered according to the preceding clause shall be the same as a registered trade mark.

Supplementary Rules.

Art. XXII.—These regulations shall be put into force from July 1st, 1899.

Art. XXIII.—The Trade Marks Regulations issued in 1888 under Imperial Ordinance No. 86, shall be abolished simultaneously with the coming into force of these Regulations.

The trade mark registered under the existing Trade Marks Regulations shall have the same effect as those obtained in accordance with these regulations.

Applications or claims which have not been settled before these regulations come in force shall be considered as applications or claims made according to these regulations and dealt with accordingly.

Art. XXIV.—For trade marks which correspond with No. 3 of Art. II in the Trade Marks Regulations issued in 1888 under Imperial Ordinance No. 86, or those which have been registered in violation of Art. VIII of the same regulations, and should be null and void, a trial for making their registration null and void ~~may be~~ claimed after the expiration of two years from the date of operation of these regulations.

Encl. No. 4-5 with Mr. Herrick
No. 271.

Law Relating to Use of Seals by Foreigners

- - - Right of Succession - -

Copyright Law.

(1) Art. XIII, cl. 3: "cannot be mentioned against his will"

(2) Art. XV: cl. 3: "The transfer or hypothecation of a copyright cannot be set up against a third party unless such transfer or hypothecation has been registered.

(3) Art. XXIX: "damages resulting therefrom"

(4) Art. XXX, cl. 6: "designs"

fence; and the recognition of the principle punishment should be awarded rather as deterrent measure of warning, for the good the commonweal, than as an angry vindication of the right of the ruler to our obedience. these things go toward the formation of at monumental fabric which has been called Humanity of the Criminal Law, as administered under the system which we have been ught. Let me in conclusion recall the ble language in which Coke closes the emn epilogue to his third Institute of iminal Law:—"The consideration of this venting justice were worthy of the wisdom Parliament, and, in the meantime, pert and wise men to make preparation the same, as the text saith, *ut benedieis Dominus*. Blessed shall be he that eth the first stone of this building: more ssed that proceeds in it: most of all that isheth it, to the glory of God, and the nour of our King and nation." Surely, lord, these are sentiments and principles ich it is worth the while of each of us in several sphere of influence to maintain, d to endeavour to inculcate. I couple the timent with the name of the noble Chairn, Viscount Nagaoka Moriyoshi.

Next the health of Mr. Litchfield was proed in cordial terms, and finally Mr. kwood submitted the following resolutions, ich were adopted:—

RESOLUTIONS.

Mr. Montague Kirkwood said:—Mr. Chairn and Gentlemen—Various toasts having n drunk and responded to, and the hour ng somewhat advanced, I rise to bring ore you the serious business of the evening proposing certain resolutions with regard this Association and its subsequent meets. In the first place, we have to organize rselves and appoint a Committee for the ming year with a President. I think there be little doubt but that our chairman night should occupy that position and that should appoint his own committee and retary. In the next place, we should, I ink, pay some small annual subscription to ver various small expenses. This might Y.5 or less. And in the third place, I ppose that this meeting should only be nsidered as a preliminary meeting, and that should meet annually on, say the last ednesday of April in each year—a congenial ason for any of our brother barristers at be or elsewhere to visit Tokyo—and that r first meeting should take place on the t Wednesday of April next. To these ners certain officials, as for instance the nister of Justice, the Presidents of the preme Court, Appeal Court of Tokyo, and strict Courts of Tokyo and Yokohama, the blic Procurator General, and the President the Bar Association, should be invited, and ch member be allowed to ask two guests.

After some discussion, Mr. Kirkwood proed the following resolutions:—(1) That for e forthcoming year (that is until the last Wedsday of April, 1900) Viscount Nagaoka be esident and that he do appoint a Committee four and a secretary; (2) That the annual bscription be Y.5; (3) That an annual ner be held on the last Wednesday of April each year, or as near thereto as may be; That to such dinner the Committee be at erty to invite as guests such personages as e Minister of Justice, the Presidents of the preme Court, of the Tokyo Appeal and strict Courts, and of the Yokohama District rt, the Public Procurator General, and President of the Japanese Bar Associa; (5) That each member of the Society be at liberty to invite to such dinner upon payment and upon giving a week's notice to the Secretary not more than two guests.

These resolutions were carried unanimously, a general opinion being expressed that the guests invited by members should as far as possible be gentlemen interested in law or the administration of justice.

The Chairman then rose and appointed as his Committee Messrs. Hijikata, Kirkwood, Lowder and Masujima and the last gentleman as Honorary Secretary.

LAW RELATING TO FOREIGNERS.

We hereby sanction the law relating to the signature and seal of foreigners and to the certification of their destitution of means (when legal succour is applied for) and order the same to be promulgated.

Imperial Signature and Seal.

March 9th, 1898.

Countersignatures of all the Ministers of State.

LAW NO. 50.

Art. I.—In cases where it is required to sign and seal according to the provisions of law a signature will suffice in the case of a foreigner.

When a seal only is needed foreigners may substitute a signature for it,

Art. II.—Foreigners wishing to obtain legal succour in accordance with Art. XCII of the Law of Civil Procedure are, if they have no dwelling or residence in Japan, required to prove that they are destitute of means as prescribed in Art. XCIII of the same law, by producing a certificate from the Government authorities in foreign country within the jurisdiction of which they have their dwelling or residence, provided that the certificate shall also be certified by the foreign Consuls residing in Japan.

Foreigners having their dwelling or residence in Japan shall be required to give the testimony referred to in the preceding clause by producing a certificate from the chiefs of cities, towns or villages where they have dwelling or residence, provided that in cases where the certificate from the chiefs of cities, towns or villages cannot be produced or where the certificate is imperfect, the Court may cause such foreigners to produce the certificate from their government authorities at home certified by the Consuls residing in Japan.

SUPPLEMENT.

Art. III.—The date of putting this Law into force shall be determined by an Imperial Decree.

REGISTRATION OF TRADEMARKS BY FOREIGNERS.

The following table, showing the number of foreigners who applied to the Department of Agriculture and Commerce during last year for the registration of trademarks and who have been granted their applications, with their nationalities, is published in the *Jiji*:—

	No. of Applications.	No. of Registration
British	1,191	968
Germans	795	664
Americans	236	191
French	189	169
Swiss	18	9

It is said that during the same period 3,475 Japanese made applications for the same purpose, the number of their patents, etc., registered being 2,187.

THE NEW COPYRIGHT LAW.

The following is a translation of the Copyright Law as published recently in the *Official Gazette*:—

LAW NO. 39.—LAW OF COPYRIGHT.

CHAPTER I.—RIGHTS OF AUTHOR.

Art. I.—The author of documents, lectures, drawings and paintings, moulds for engravings, photographs and other matters belonging to the province of literature, science and the fine arts shall have exclusive right of reproducing his work. The copyright of literary and scientific productions includes the right of translating them, and that of all kinds of theatrical plays and musical notes includes the right of their performance in public.

Art. II.—The copyright can be transferred to another person.

Art. III.—The copyright for productions published or exhibited shall remain in effect during the lifetime of the author concerned, and may be continued for thirty years after his death. The copyright of joint productions of many persons may be kept in effect for thirty years from the death of the person who died last.

Art. IV.—The copyright of posthumous productions may be kept in effect for thirty years from the date of their first publication or exhibition.

Art. V.—The copyright in works under *nom de plume* or in anonymous productions may be kept in effect for thirty years from the date of their publication or exhibition, provided that Art. III. be applied if the true name of the author is registered during the interval.

Art. VI.—The copyright of works published or exhibited in the name of Government or public offices, schools, temples, shrines, associations, companies or other bodies, shall continue in effect for thirty years from the date of publication or exhibition.

Art. VII.—The author will lose the right of translating his original works if he does not publish the translation within ten years from the date of publication of his ordinary work.

If the author has published the work translated into the language for which he wants to receive protection within the foregoing period, the right of translating into that language will not be lost.

Art. VIII.—When works are to be published volume after volume, the calculation of the periods mentioned in the foregoing articles will be commenced from the date of publication of each volume.

It case works are gradually published in parts one by one, until they are completed, the periods mentioned in the foregoing articles shall be counted from the date of publication of the last part, provided that if such works are not completed within three years the last part of the works published by that time shall be considered as the final part of the works.

Art. IX.—In calculating the period of time during which copyright is in effect, in the case of the foregoing six articles, the calculation will be commenced from the year following that of the death of the author or of the publication or exhibition of his works.

Art. X.—The copyright will disappear when there is no successor.

Art. XI.—The following cannot be made the object of copyright:—

1. Legal instructions and Government and public documents.

2. Miscellaneous reports, political opinions, or current topics mentioned in newspapers and periodicals.

3. Lectures or speeches delivered in open judicial courts, Diet, or political assemblies.

Art. XII.—The publisher or exhibitor of *nom de plume* or anonymous works can hold the right belonging to the author provided that this is expected if the author has registered his true name.

Art. XIII.—The copyright of works produced jointly by several persons shall be their common property.

When an author refuses to publish or exhibit works, in cases where the part of the work borne by each author is uncertain, the other may obtain his share by paying compensation to the refuser provided that this will be excepted in cases where an agreement to the contrary exists between the parties. In case the part of the work borne by each author is known, and one or more of them refuses to publish or exhibit the works, the other authors may separate the parts they have done and publish or exhibit them, provided that this will be excepted if an agreement to the contrary exists.

In the case of Clause 2 in this article the name of an author who has refused to publish or exhibit the works can be mentioned in the works to be published.

Art. XIV.—Persons who have edited several works according to regulations shall be recognised as authors, and they can enjoy copyright for the whole of the works edited, provided that the copyright of each work shall belong to the respective author.

Art. XV.—Persons entitled to copyright may obtain the registration of copyright.

Unless the author registers the copyright of works he has published or exhibited he cannot institute civil action against plagiarists.

No copyright case can be transferred or hypothecated to a third party unless it is registered.

The author of works under *nom de plume*, or of productions for which he gives no name, may obtain the registry of his true name.

Art. XVI.—The registration will be executed by administrative offices.

The regulations relating to registration will be determined by instructions.

Art XVII.—No original copy and copyright of works which have not been published or exhibited shall be attached on behalf of creditors provided that this will be excepted in case the author has agreed to it.

Art. XVIII.—No person who has obtained the transference of copyright can change the name or title of author, or alter or revise the title or contents of the works without the consent of the author.

Art. XIX.—No copyright will be obtained by adding *kana*, punctuation, inflection, criticisms, notes, supplement or drawings to original works or by making other revision, addition or reduction remodelling the original work, provided that exception will be given to those which can be considered as new works.

Art. XX.—Any article or note published in newspapers and periodicals (novels and fictions excepted) may be reproduced by giving its origin, if the author does not conspicuously mention in his paper that its transference is prohibited.

Art. XXI.—Persons who have made translation in accordance with regulations will be recognised as authors and they are entitled to the protection of this Law.

As to works, the right of translating which has disappeared, the translator cannot prevent others translating the works.

Art. XXII.—Persons who reproduced fine art works in accordance with law and with arts different from the one by which the original works have been made, will be recognised as authors and they are entitled to the protection of this law.

Art. XXIII.—The copyright of photographs shall be kept in effect for ten years. The foregoing period of time will be counted from the year following that of the first issue of works. If not issued it will be counted from the year following the one in which the original plates are made. Persons who reproduce fine art works in accordance with law and with the art of photography, may be entitled to the protection of this law during the same period as the one given to original authors, provided that where a special restriction is agreed to between the persons concerned it shall be observed.

Art. XXIV.—The copyright of photographs inserted in literary or scientific works, and made or caused to be made specially for the works, shall belong to the author of such literary or scientific works, and be continued in effect for a period of time similar to that allowed to the author for the works.

Art. XXV.—The copyright of photographs and portraits made at the request of other persons shall belong to the persons who have made such request.

Art. XXVI.—The provisions relating to photographs shall be applied to works made in accordance with the art similar to that of photography.

Art. XXVII.—Works the authorship of which is uncertain, and which have not been published or exhibited, may, in accordance with instructions, be published or exhibited.

Art. XXVIII.—The provisions of this law shall be applied with respect to the copyright of foreigners (those specially determined by Treaty excepted). Provided that in case no provision is made in the Treaty relative to the protection of copyright, those foreigners who have published their works for the first time in the Empire shall alone be entitled to enjoy the protection of this law.

CHAPTER II.—PLAGIARISM.

Art. XXIX.—Persons who have violated copyright shall be considered as plagiarists, and they shall be held responsible for the compensation of damage provided for in this law and in Chap. 5 of Sec. III in the Civil Code.

Art. XXX.—To reproduce works already issued in the following ways shall not be considered as plagiarism.

1. To make reproductions without the idea of issuing them and without comforming to mechanical or chemical method.
2. To condense and quote in one's own works within undue limits.
3. To extract and edit within the proper limit for the purpose of adapting them for elementary moral text-books and readers.
4. To insert phrases and clauses in literary and scientific works in plays made by oneself, or to adopt them in his own musical compositions.
5. To insert fine art works as material for explaining literary or scientific works or *vice versa*.
6. To make drawings or paintings into moulds for engravings or moulds for engravings into drawings or paintings.

In all the cases in this article the origin of works shall be clearly indicated.

Art. XXXI.—Persons who import plagiarised works with an object of distributing them for sale in the Empire shall be considered as plagiarists.

Art. XXXII.—Persons who have published explanatory answers of questions made for training purposes shall be considered as plagiarists.

Art. XXXIII.—Persons who have made plagiarist works with fair intention and without fault, and received profits thereby, causing other persons to suffer loss, shall be held responsible to repay such amount as is within the limit of amount gained.

Art. XXXIV.—The copyright holder of works made jointly by a number of persons may prosecute against plagiarists without the consent of other copyright holders, and claim compensation and damages for his share or the repayment of profits mentioned in the preceding article in proportion to his own share.

Art. XXXV.—When a civil suit is instituted against plagiarists, persons whose names are mentioned in the works as authors shall be considered as the authors.

In the case of works under *nom de plume* or anonymous works, the person whose name is given as publisher shall be considered as the publisher.

In the case of the exhibition of plays and musical compositions not yet published the person who is given in the exhibition as the author shall be considered as the author.

Art. XXXVI.—When a civil or criminal suit is instituted against plagiarists the court can suspend the sale of the works supposed to be plagiarised, or attach them or suspend their exhibition with or without causing the accuser or the plaintiff to give sureties, in accordance with the latter's wish. If on trial it is found that the works in the foregoing clause are not plagiarised the claimant shall be held responsible for all losses arising from their suspension or attachment.

CHAPTER III.—PUNISHMENT.

Art. XXXVII.—Plagiarists or persons who have knowingly sold or distributed plagiarised works shall be punished by a fine ranging from Y.50 to Y.500.

Art. XXXVIII.—Offenders against Art. XVIII shall be punished by a fine of from Y.30 to Y.300.

Art. XXXIX.—Persons who have reproduced works without mentioning their origin in violation of Art. XX and Cl. 2 of Art. XXX, and persons who have violated the provisions of Cl. 4 of Art. XIII shall be fined from Y.10 to Y.100.

Art. XL.—Publishers of works on which the name and title of a person other than the author is mentioned, shall be punished with a fine of from Y.30 to Y.500.

Art. XLI.—Persons who have made alterations in the works of other persons and injured their authors or changed their title, or have hidden the names and titles of the authors and published the works as works of other persons, shall be punished, even though the copyright of the original works has disappeared, by a fine of from Y. 20 to Y. 200.

Art. XLII.—Persons who have obtained the registration of plagiarised works shall be fined from Y. 10 to Y. 100.

Art. XLIII.—Plagiarised works and instruments and apparatus employed for plagiarism shall be forfeited when they are in possession of the plagiarists, or other persons concerned.

Art. XLIV.—The offences alluded to in this Chapter shall be dealt with only when an action is brought by the aggrieved party, provided that this is to be excepted when the author has died, in the case of Art. XXXVII or of Arts. XL and XLII.

Art. XLV.—Prescription of public action against offences in this chapter shall be acquired by the lapse of two years.

(5) Art. XXXV, cl. 4: "When the name of the author does not appear in a play or musical composition the performer shall be considered as the author".

Chapter IV—Supplementary Rules.

Art. XLVI.—The date of operation of this Law shall be determined by Imperial Decree. Copyright Law (issued in 1893 under Law No. 16), Regulations for Theatrical Plays and Musical Compositions, (issued in 1887 under Imperial Decree No. 78) and Copyright Law for Photographs (issued in 1887 under Imperial Decree No. 79) shall be abolished from the date on which this Law comes into force.

Art. XLVII—Works, the copyright for which does not disappear before the coming into force of this Law, shall enjoy the protection of this Law.

Art. XLVIII.—The reproduction of works which are not recognised as plagiarised, and which have been reproduced or are being reproduced before this Law comes into force may be completed and distributed for sale.

The instruments and apparatuses used in making the reproductions mentioned in the preceeding clause may be used for five years from the date of operation of this Law, if they exist.

Art. XLIX.—The translation of works which are not recognised as plagiarised and which have been translated or are being translated before coming into operation of this Law, may be completed and distributed for sale provided that the translated works are required to be published within seven years from the date of coming into force of this Law.

The translated works mentioned in the foregoing clause may also be reproduced within five years from the date of their publication.

Art. L.—Works which are not recognised as plagiarised and which have been or are being exhibited before the coming into force of this Law may be exhibited for five years from the date of operation of this Law.

Art. LI.—In the case of Art. XLVIII ~~or~~ to Art. L. reproductions cannot be distributed for sale or exhibited unless the necessary provisions prescribed by Decree shall be fulfilled.

Art. LII.—This Law shall not be applicable to architectural matters.

Encl. No. 4-S with Mr. Herod's No. 271.

Law Relating to Use of Seals by Foreigners

- - - Right of Incan . .

Copyright Law.

(1) Art. XIII, cl. 3 : "can not be mentioned against his will"

(2) Art. XV, cl. 3 : "The transfer or hypothecation of a copyright cannot be set up against a third party unless such transfer or hypothecation has been registered".

(3) Art. XXIX : "damages resulting therefrom"

(4) Art. XXX, cl. 6 : "designs"

[redacted]

LAW RELATING TO FOREIGNERS.

THE NEW COPYRIGHT LAW.

The following is a translation of the Copyright Law as published recently in the *Official Gazette*:—

LAW No. 39.—LAW OF COPYRIGHT.

CHAPTER I.—RIGHTS OF AUTHOR.

ART. I.—The author of documents, lectures, drawings and paintings, models for engravings, photographs and other matters belonging to the province of literature, science and the fine arts shall have exclusive right of reproducing his work. The copyright of literary and scientific productions includes the right of translating them, and that of all kinds of theatrical plays and musical notes includes the right of their performance in public.

ART. II.—The copyright can be transferred to another person.

ART. III.—The copyright for productions published or exhibited shall remain in effect during the lifetime of the author concerned, and may be continued for thirty years after his death. The copyright of joint productions of many persons may be kept in effect for thirty years from the death of the person who died last.

ART. IV.—The copyright of posthumous productions may be kept in effect for thirty years from the date of their first publication or exhibition.

ART. V.—The copyright in works under *nom de plume* or in anonymous productions may be kept in effect for thirty years from the date of their publication or exhibition, provided that Art. III. be applied if the true name of the author is registered during this interval.

ART. VI.—The copyright of works published or exhibited in the name of Government or public offices, schools, temples, shrines, associations, meeting or other bodies, shall continue in effect for thirty years from the dated publication or exhibition.

ART. VII.—The author will lose the right of translating his original works if he does not publish the translation within ten years from the date of publication of his ordinary work.

If the author has published the work translated into the language for which he wants to receive protection within the foregoing period, the right of translating into that language will not be lost.

ART. VIII.—When works are to be published volume after volume, the calculation of the periods mentioned in the foregoing articles will be commenced from the date of publication of each volume.

In case works are gradually published in parts one by one, until they are completed, the periods mentioned in the foregoing articles shall be counted from the date of publication of the last part, provided that if such works are not completed within three years the last part of the works published by that time shall be considered as the final part of the works.

ART. IX.—In calculating the period of time during which copyright is in effect, in the case of the foregoing six articles, the calculation will be commenced from the year following that of the death of the author or of the publication or exhibition of his works.

ART. X.—The copyright will disappear when there is no successor.

ART. XI.—The following cannot be made the object of copyright:—

1. Legal instructions and Government and public documents.

2. Miscellaneous reports, political opinions, current topics mentioned in newspapers and periodicals.

...ge; and the recognition of the principle ...punishment should be awarded rather as ...etic measure of warning, for the good ...commonwealth, than as an angry vindica... ...of the right of the ruler to our obedience. ...things go toward the formation of ...monumental fabric which has been called ...Harmony of the Criminal Law, as adminis... ...under the system which we have been ...ght. Let me in conclusion recall the ...language in which Coke closes the ...epilogue to his third Institute of ...Law:—"The consideration of this ...the justice were worthy of the wisdom ...Parliament, and, in the meantime, ...rt and wise men to make preparation ...the same, as the text saith, *ut benedi... ...Dominus*. Blessed shall be he that ...lay the first stone of this building; more ...ssed that proceeds in it; most of all that ...sheth it to the glory of God, and the ...nour of our King and nation." Surely, ...lord, these are sentiments and principles ...ich it is worth the while of each of us in ...s several sphere of influence to maintain, ...d to endeavour to inculcate. I couple the ...timent with the name of the noble Chair... ...n, Viscount Nagaoka Moriyoshi.

Next the health of Mr. Litchfield was pro...sed in cordial terms, and finally Mr. ...kwood submitted the following resolutions, ...ich were adopted:—

RESOLUTIONS.

Mr. Montague Kirkwood said:—Mr. Chair...an and Gentlemen—Various toasts having ...en drunk and responded to, and the hour ...ing somewhat advanced, I rise to bring ...fore you the serious business of the evening ...proposing certain resolutions with regard ...this Association and its subsequent meet...gs. In the first place, we have to organize ...rselves and appoint a Committee for the ...oming year with a President. I think there ...an be little doubt but that our chairman ...night should occupy that position and that ...e should appoint his own committee and ...ecretary. In the next place, we should, I ...think, pay some small annual subscription to ...over various small expenses. This might ...be Y.5 or less. And in the third place, I ...propose that this meeting should only be ...considered as a preliminary meeting, and that ...we should meet annually on, say the last ...Wednesday of April in each year—a congenial ...season for any of our brother barristers at ...Kobe or elsewhere to visit Tokyo—and that ...our first meeting should take place on the ...first Wednesday of April next. To these ...dinners certain officials, as for instance the ...Minister of Justice, the Presidents of the ...Supreme Court, Appeal Court of Tokyo, and ...District Courts of Tokyo and Yokohama, the ...Public Procurator General, and the President ...of the Bar Association, should be invited, and ...each member be allowed to ask two guests.

After some discussion, Mr. Kirkwood pro...posed the following resolutions:—(1) That for ...the forthcoming year (that is until the last Wed...nesday of April, 1900) Viscount Nagaoka be ...President and that he do appoint a Committee ...of four and a secretary; (2) That the annual ...subscription be Y.5; (3) That an annual ...dinner be held on the last Wednesday of April ...in each year, or as near thereto as may be; ...(4) That to such dinner the Committee be at ...liberty to invite as guests such personages as ...the Minister of Justice, the Presidents of the ...Supreme Court, of the Tokyo Appeal and ...District Courts, and of the Yokohama District ...Court, the Public Procurator General, and ...the President of the Japanese Bar Associa...tion. (5) That each member of the Society be at liberty to invite to such dinner upon pay...ment and upon giving a week's notice to the Secretary not more than two guests.

These resolutions were carried unani...mously, a general opinion being expressed that the guests invited by members should as far as possible be gentlemen interested in law or the administration of justice.

The Chairman then rose and appointed as his Committee Messrs. Hijikata, Kirkwood, Lowder and Masujima and the last gentleman as Honorary Secretary.

LAW RELATING TO FOREIGNERS.

[redacted]

THE NEW COPYRIGHT LAW.

The following is a translation of the Copyright Law as published recently in the *Official Gazette*:—

LAW NO. 39.—LAW OF COPYRIGHT.

CHAPTER I.—RIGHTS OF AUTHOR.

Art. I.—The author of documents, lectures, drawings and paintings, moulds for engravings, photographs and other matters belonging to the province of literature, science and the fine arts shall have exclusive right of reproducing his work. The copyright of literary and scientific productions includes the right of translating them, and that of all kinds of theatrical plays and musical notes includes the right of their performance in public.

Art. II.—The copyright can be transferred to another person.

Art. III.—The copyright for productions published or exhibited shall remain in effect during the lifetime of the author concerned, and may be continued for thirty years after his death. The copyright of joint productions of many persons may be kept in effect for thirty years from the death of the person who died last.

Art. IV.—The copyright of posthumous productions may be kept in effect for thirty years from the date of their first publication or exhibition.

Art. V.—The copyright in works under *nom de plume* or in anonymous productions may be kept in effect for thirty years from the date of their publication or exhibition, provided that Art. III. be applied if the true name of the author is registered during the interval.

Art. VI.—The copyright of works published or exhibited in the name of Government or public offices, schools, temples, shrines, associations, companies or other bodies, shall continue in effect for thirty years from the date of publication or exhibition.

Art. VII.—The author will lose the right of translating his original works if he does not publish the translation within ten years from the date of publication of his ordinary work.

If the author has published the work translated into the language for which he wants to receive protection within the foregoing period, the right of translating into that language will not be lost.

Art. VIII.—When works are to be published volume after volume, the calculation of the periods mentioned in the foregoing articles will be commenced from the date of publication of each volume.

In case works are gradually published in parts one by one, until they are completed, the periods mentioned in the foregoing articles shall be counted from the date of publication of the last part, provided that if such works are not completed within three years the last part of the works published by that time shall be considered as the final part of the works.

Art. IX.—In calculating the period of time during which copyright is in effect, in the case of the foregoing six articles, the calculation will be commenced from the year following that of the death of the author or of the publication or exhibition of his works.

Art. X.—The copyright will disappear when there is no successor.

Art. XI.—The following cannot be made the object of copyright:—

1. Legal instructions and Government and public documents.

2. Miscellaneous reports, political opinions, or current topics mentioned in newspapers and periodicals.

3. Lectures or speeches delivered in open judicial courts, Diet, or political assemblies.

Art. XII.—The publisher or exhibiter of *nom de plume* or anonymous works can hold the right belonging to the author provided that this is expected if the author has registered his true name.

Art. XIII.—The copyright of works produced jointly by several persons shall be their common property.

When an author refuses to publish or exhibit works, in cases where the part of the work borne by each author is uncertain, the other may obtain his share by paying compensation to the refuser provided that this will be excepted in cases where an agreement to the contrary exists between the parties. In case the part of the work borne by each author is known, and one or more of them refuses to publish or exhibit the works, the other authors may separate the parts they have done and publish or exhibit them, provided that this will be excepted if an agreement to the contrary exists.

In the case of Clause 2 in this article the name of an author who has refused to publish or exhibit the works can be mentioned in the works to be published.

Art. XIV.—Persons who have edited several works according to regulations shall be recognised as authors, and they can enjoy copyright for the whole of the works edited, provided that the copyright of each work shall belong to the respective author.

Art. XV.—Persons entitled to copyright may obtain the registration of copyright.

Unless the author registers the copyright of works he has published or exhibited he cannot institute civil action against plagiarists.

No copyright case can be transferred or hypothecated to a third party unless it is registered.

The author of works under *nom de plume*, or of productions for which he gives no name, may obtain the registry of his true name.

Art. XVI.—The registration will be executed by administrative offices.

The regulations relating to registration will be determined by instructions.

Art. XVII.—No original copy and copyright of works which have not been published or exhibited shall be attached on behalf of creditors provided that this will be excepted in case the author has agreed to it.

Art. XVIII.—No person who has obtained the transference of copyright can change the name or title of author, or alter or revise the title or contents of the works without the consent of the author.

Art. XIX.—No copyright will be obtained by adding *kana*, punctuation, inflection, criticisms, notes, supplement or drawings to original works or by making other revision, addition or reduction remodelling the original work, provided that exception will be given to those which can be considered as new works.

Art. XX.—Any article or note published in newspapers and periodicals (novels and fictions excepted) may be reproduced by giving its origin, if the author does not conspicuously mention in his paper that its transference is prohibited.

Art. XXI.—Persons who have made translation in accordance with regulations will be recognised as authors and they are entitled to the protection of this Law.

As to works, the right of translating which has disappeared, the translator cannot prevent others translating the works.

Art. XXII.—Persons who reproduced fine art works in accordance with law and with arts different from the one by which the original works have been made, will be recognised as authors and they are entitled to the protection of this law.

Art. XXIII.—The copyright of photographs shall be kept in effect for ten years. The foregoing period of time will be counted from the year following that of the first issue of works. If not issued it will be counted from the year following the one in which the original plates are made. Persons who reproduce fine art works in accordance with law and with the art of photography, may be entitled to the protection of this law during the same period as the one given to original authors, provided that where a special restriction is

[redacted]

training purposes shall be considered as plagiarists.

Art. XXXIII.—Persons who have made plagiarist works with fair intention and without fault, and received profits thereby, causing other persons to suffer loss, shall be held responsible to repay such amount as is within the limit of amount gained.

Art. XXXIV.—The copyright holder of works made jointly by a number of persons may prosecute against plagiarism without the consent of other copyright holders, and claim compensation and damages for his share of the repayment of profits mentioned in the preceding article in proportion to his own share.

Art. XXXV.—When a civil suit is instituted against plagiarists, persons whose names are mentioned in the works as authors shall be considered as the authors.

In the case of works under *nom de plume* or anonymous works, the person whose name is given as publisher shall be considered as the publisher.

In the case of the exhibition of plays and musical compositions not yet published the person who is given in the exhibition as the author shall be considered as the author.

Art. XXXVI.—When a civil or criminal suit is instituted against plagiarists the court can suspend the sale of the works supposed to be plagiarised, or attach them or suspend their exhibition with or without causing the accuser or the plaintiff to give sureties, in accordance with the latter's wish. If on trial it is found that the works in the foregoing clause are not plagiarised the claimant shall be held responsible for all losses arising from their suspension or attachment.

CHAPTER III.—PUNISHMENT.

Art. XXXVII.—Plagiarists or persons who have knowingly sold or distributed plagiarised works shall be punished by a fine ranging from Y.50 to Y.500.

Art. XXXVIII.—Offenders against Art. XVIII shall be punished by a fine of from Y.30 to Y.300.

Art. XXXIX.—Persons who have reproduced works without mentioning their origin in violation of Art. XX and Cl. 2 of Art. XXX, and persons who have violated the provisions of Cl. 4 of Art. XIII shall be fined from Y.10 to Y.100.

Art. XL.—Publishers of works on which the name and title of a person other than the author is mentioned, shall be punished with a fine of from Y.30 to Y.500.

Art. XLI.—Persons who have made alterations in the works of other persons and injured their authors or changed their titles or have hidden the names and titles of the authors and published the works as works of other persons, shall be punished, even though the copyright of the original works has disappeared, by a fine of from Y. 20 to Y. 200.

Art. XLII.—Persons who have obtained the registration of plagiarised works shall be fined from Y. 10 to Y. 100.

Art. XLIII.—Plagiarised works and instruments and apparatus employed for plagiarism shall be forfeited when they are in possession of the plagiarists, or other persons concerned.

Art. XLIV.—The offences alluded to in this Chapter shall be dealt with only when the action is brought by the aggrieved party, provided that this is to be excepted when the author has died, in the case of Art. XXXVI or of Arts. XL and XLII.

Art. XLV.—Prescription of public action against offences in this chapter shall be acquired by the lapse of two years.

(5) Art. XXXV, cl. 4: "When the name of the author does not appear in plays and musical compositions the performer shall be considered as the author".

Chapter IV—Supplementary Rules.

Art. XLVI.—The date of operation of this Law shall be determined by Imperial Decree. Copyright Law (issued in 1893 under Law No. 16), Regulations for Theatrical Plays and Musical Compositions, (issued in 1887 under Imperial Decree No. 78) and Copyright Law for Photographs (issued in 1887 under Imperial Decree No. 79) shall be abolished from the date on which this Law comes into force.

Art. XLVII—Works, the copyright for which does not disappear before the coming into force of this Law, shall enjoy the protection of this Law.

Art. XLVIII.—The reproduction of works which are not recognised as plagiarised, and which have been reproduced or are being reproduced before this Law comes into force may be completed and distributed for sale.

The instruments and apparatuses used in making the reproductions mentioned in the preceeding clause may be used for five years from the date of operation of this Law, if they exist.

Art. XLIX.—The translation of works which are not recognised as plagiarised and which have been translated or are being translated before coming into operation of this Law, may be completed and distributed for sale provided that the translated works are required to be published within seven years from the date of coming into force of this Law.

The translated works mentioned in the foregoing clause may also be reproduced within five years from the date of their publication.

Art. L.—Works which are not recognised as plagiarised and which have been or are being exhibited before the coming into force of this Law may be exhibited for five years from the date of operation of this Law.

Art. LI.—In the case of Art. XLVIII to Art. L. reproductions cannot be distributed for sale or exhibited unless the necessary provisions prescribed by Decree shall be fulfilled.

Art. LII.—This Law shall not be applicable to architectural matters.

DIPLOMATIC,
APR 26 1899
BUREAU.

UNITED STATES LEGATION,
TOKYO, JAPAN.

2D ASSISTANT SECRETARY,
Ack and approve the instn to Consuls.
APR 25 1899

NO. 272.

INDEX BUREAU
REC'D.
24 APR '99
DEPT. OF STATE

March 31, 1899.

Ans May 2/99

Mr. Herod,

to the Secretary of State.

Subject:

Registration of property rights of foreigners after the operation of the new treaties.

UNITED STATES LEGATION,
TOKYO, JAPAN.

NO. 272.

March 31, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to inform you that the Japanese Government, with a view to investigating the method of registration of property rights of foreignersfor the purpose of formulating a system for the registration and protection of such rights after the abolishment of consular jurisdiction, is about to send an official on a tour of visitation to the respective foreign consulates in the treaty ports.

Having been informed of this intention by the Minister of Foreign Affairs of the Japanese Government (see enclosure I) I issued instructions to the Consuls of the United States in Japan, on the 25th instant, to afford the said Japanese official all possible facilities.

I have the honor to enclose herewith translation copy of the bill relating to the subject passed by the last Diet.

I have the honor to be,

Sir,

Your obedient servant,

Joseph C. Grew

Enclosures:
Viscount Aoki to Mr. Herod, March 23rd.
Translation copy of law.

Enclosure I with Mr. Herod's No. 272

Viscount Aoki to Mr. Herod, March 31, 1899,- copy.

DEPARTMENT OF FOREIGN AFFAIRS,
Tokyo, March 23, 1899.

Joseph R. Herod, Esquire,

etc, etc, etc,

Sir:

It having been decided to despatch a competent official in the near future to Yokohama, Osaka, Kobe and Nagasaki for the purpose of investigating the affairs relating to the registration of rights of foreigners , I beg to request that you will kindly take measures in order that the United States Consuls at the respective ports above named will accord the official such proper facilities as he may require in the course of his investigations.

I beg to add that the name of the official to be commissioned for the purpose will be communicated to you as soon as determined.

Accept, Sir, etc, etc

(Signed) Viscount AOKI SIUZO

Minister of Foreign Affairs.

Enclosure No. 2 with Mr. Herod's No. 272.

Translation copy of law relating to the registration of property rights of foreigners.

"The mode of procedure with regard to the registration of "the acquirement, loss or transfer of rights relating to real "estate or vessels that have been acquired by foreigners or "foreign legal persons before the operation of the revised "treaties, in cases where such registration is necessary, "shall be determined by special regulations to be fixed by "Imperial Ordinance".

No. 273

UNITED STATES LEGATION,
TOKYO, JAPAN.

DIPLOMATIC,
APR 26 1899
BUREAU.

March 31, 1899.

INDEX BUREAU
RECD.
24 APR '99
DEPT. OF STATE

To Treas Apl 28
Hsm
Apl 28/99
To Com. Geneva, Geneva, May 11/95

2D ASSISTANT SECRETARY,
To Treasury referring to letter of Ap. 24. 1899.
Ans. in sense of that letter.
APR 25 1899

Mr. Herod

to the Secretary of State.

Subject:

Kang Yu Wai, the Chinese refugee departs for America.

No. 273.

UNITED STATES LEGATION,
TOKYO, JAPAN.

March 31, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to inform you that, on the 22nd instant, Kang Yu Wai, who, as Vice Minister of War, figured so prominently in the coup d'etat in Peking in October last, and who, since then has been living as a refugee in Japan, called upon me with a card of introduction from Count Okuma, late Premier and Minister of Foreign Affairs, and explained that he was about to spend some time in travel in the United States en route to England where he intended to to make his residence for several years to come, and in consequence requested me to provide him with letters of introduction to officials in the United States. I replied that in view of his position, it was impossible for me to give him any official letters and that all that I could do would be to visa a certificate as provided by Sections 369 and 371 of the Consular Regulations, should he be able to obtain such a certificate from the proper officer of the Japanese Government.

As he did not return to the Legation, and as the papers announce his departure for America by the "Idzumi Maru" on the 22nd instant, I suppose he will land at Victoria and proceed to England via Canada.

I have the honor to be,

Sir,

Sir,

Your obedient servant,

Joseph C. Stevens

UNITED STATES LEGATION,
TOKYO, JAPAN.

DIPLOMATIC,
MAY 4 1899
BUREAU.

No. 274

April 7, 1899.

Mr. Herod,

to the Secretary of State.

Subject:

Requisition for U.S. citizen's passport blanks.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 274.

April 7, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to request that this Legation may be supplied with a number of blank forms for United States citizen's passports. A full supply of application forms was recently received from the Department.

I have the honor to be,

Sir,

Your obedient servant,

Joseph C. Grew

DIPLOMATIC,
MAY 4 1899
BUREAU.

UNITED STATES LEGATION,
TOKYO, JAPAN.

NO. 275.

INDEX BUREAU
REC'D.
4 MAY 1899
DEPT. OF STATE

April
~~March~~ 8, 1899.

Sent to War Dept on May 8/99
referring to this letter for report
Dec Ans 3 of May

Mr. Herod,

to the Secretary of State.

Subject:

Transmitting Army List of Japan.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 278.

April 8, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

[of 4th]

Referring to your unnumbered instruction of date the 8th ultimo, directing me to procure, if practicable, for the official use of the Department of War, I have the honor to state that I immediately made application to the Minister for Foreign Affairs of the Japanese Government to that end, and enclose herewith copy of his reply to me, transmitting a copy of the latest Army List published.

I regret that the amount of translation already in hand in this office has not made possible the immediate translation of the Army Register.

I have the honor to be,

Sir, Sir,

Your obedient servant,

Joseph C. Grew

Enclosures:

Viscount Aoki to Mr. Herod, April 5, 1899, copy.

Copy of Army List of Japan.

Enclosure with Mr. Herod's No. 275

Viscount Aoki to Mr. Herod, April 4, 1899,- copy.

DEPARTMENT OF FOREIGN AFFAIRS,

Tokyo, Japan, April 4, 1899.

Joseph R. Herod, Esquire,

etc, etc, etc.-

Sir:

In reference to your Note No. 126, dated the 17th ultimo, in which, under instruction from the Honorable , the Secretary of State of the United States, you desire to obtain copies of the annual Army and Navy Lists of Japan for 1899 for the official use of the Department of War of the United States, I have to say that, upon immediate communication with the authorities concerned, I have been informed that the War Department has not yet printed their list for 1899; you will, however, find herein enclosed 2 copies of the latest Army list prepared on 1st of July last, which has been forwarded to me for transmission to you.

As to the Navy list, the Navy Department desire me to convey to you their regret that they find themselves unable to comply with your request as it is not allowed to give their list outside their own Department.

Accept, Sir, etc etc

(Signed) Viscount AOKI SIUZO

Minister for Foreign Affairs.

Mr Strech
Mr Chilton

DIPLOMATIC,
UNITED STATES LEGATION,
TOKYO, JAPAN. JUN 12 1899
BUREAU.

3rd. ASST. SECRETARY.
MAY 5 1899

No. 276

INDEX BUREAU
REC'D.
4 MAY '99
DEPT. OF STATE

April 10, 1899.

{PRINTED IN ADVANCE SHEETS NO. 448
Foreign Rels. in Japan. June 20.}

Asked and Three copies of laws sent to Dept June 16/99

Mr. Herod,

to the Secretary of State.

Subject:

Translations of new laws relating to the duties of consular officers under the revised treaties.

TREATY

BETWEEN

UNITED STATES OF AMERICA AND THE EMPIRE OF JAPAN.

COMMERCE AND NAVIGATION.

Signed at Washington November 22, 1894.
Ratification advised by the Senate February 5, 1895.
Ratified by the President February 15, 1895.
Ratified by the Emperor February 27, 1895.
Ratifications exchanged at Washington March 21, 1895.
Proclaimed by the President March 21, 1895.

THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, a Treaty of Commerce and Navigation between United States of America and the Empire of Japan was cluded and signed by their respective Plenipotentiaries at city of Washington on the 22d day of November 1894, h treaty, being amended by the Senate of the United es, and being in the English language, is word for word ollows:—

he President of the United States of America and His Majesty the eror of Japan, being equally desirous of maintaining the relations of understanding which happily exist between them, by extending and asing the intercourse between their respective States, and being con- d that this object cannot better be accomplished than by revising the ties hitherto existing between the two countries, have resolved to com- such a revision, based upon principles of equity and mutual benefit, for that purpose, have named as their Plenipotentiaries, that is to say: President of the United States of America, Walter Q. Gresham, tary of State of the United States, and His Majesty the Emperor of n, Jushii Shinichiro Kurino, of the Order of the Sacred Treasure, and

of the Fourth Class; who, after having communicated to each other th full powers, found to be in good and due form, have agreed upon and co cluded the following Articles:—

ARTICLE I.

The citizens or subjects of each of the two High Contracting Parti shall have full liberty to enter, travel, or reside in any part of the territor of the other Contracting Party, and shall enjoy full and perfect protecti for their persons and property.

They shall have free access to the Courts of Justice in pursuit and defen of their rights; they shall be at liberty equally with native citizens or su jects to choose and employ lawyers, advocates and representatives to purs and defend their rights before such Courts, and in all other matters co nected with the administration of justice they shall enjoy all the rights a privileges enjoyed by native citizens or subjects.

In whatever relates to rights of residence and travel; to the possessi of goods and effects of any kind; to the succession to personal estate, will or otherwise, and the disposal of property of any sort and in any ma ner whatsoever which they may lawfully acquire, the citizens or subjects each Contracting Party shall enjoy in the territories of the other the sa privileges, liberties, and rights, and shall be subject to no higher imposts charges in these respects than native citizens or subjects, or citizens or su jects of the most favored nation. The citizens or subjects of each of t Contracting Parties shall enjoy in the territories of the other entire liberty conscience, and, subject to the laws, ordinances, and regulations, shall enj the right of private or public exercise of their worship, and also the ri of burying their respective countrymen, according to their religious custo in such suitable and convenient places as may be established and maintain for that purpose.

They shall not be compelled, under any pretext whatsoever, to pay a charges or taxes other or higher than those that are, or may be paid by nati citizens or subjects. or citizens or subjects of the most favored nation.

The citizens or subjects of either of the Contracting Parties residing the territories of the other shall be exempted from all compulsory milit service whatsoever, whether in the army, navy, national guard, or milit from all contributions imposed in lieu of personal service; and from forced loans or military exactions or contributions.

ARTICLE II.

There shall be reciprocal freedom of commerce and navigation betwe the territories of the two High Contracting Parties.

The citizens or subjects of each of the High Contracting Parties m trade in any part of the territories of the other by wholesale or retail in kinds of produce, manufactures, and merchandize of lawful commer either in person or by agents, singly or in partnership with foreigners or nati citizens or subjects; and they may there own or hire and occupy hous

anufactories, warehouses, shops and premises which may be necessary for em, and lease land for residential and commercial purposes, conforming emselves to the laws, police and customs regulations of the country like tive citizens or subjects.

They shall have liberty freely to come with their ships and cargoes to all aces, ports, and rivers in the territories of the other, which are or may be ened to foreign commerce, and shall enjoy, respectively, the same treatent in matters of commerce and navigation as native citizens or subjects, citizens or subjects of the most favored nation, without having to pay xes, imposts or duties, of whatever nature or under whatever denomination vied in the name or for the profit of the Government, public functionaries, ivate individuals, corporations, or establishments of any kind, other or eater than those paid by native citizens or subjects, or citizens or subjects the most favored nation.

It is, however, understood that the stipulations contained in this and the eceding Article do not in any way affect the laws, ordinances and regulaons with regard to trade, the immigration of laborers, police and public curity which are in force or which may hereafter be enacted in either of e two countries.

Article III.

The dwellings, manufactories, warehouses, and shops of the citizens or bjects of each of the High Contracting Parties in the territories of the her, and all premises appertaining thereto destined for purposes of residence commerce, shall be respected.

It shall not be allowable to proceed to make a search of, or a domiciliary sit to, such dwellings and premises, or to examine or inspect books, papers, accounts, except under the conditions and with the forms prescribed by e laws, ordinances and regulations for citizens or subjects of the country.

Article IV.

No other or higher duties shall be imposed on the importation into the rritories of the United States of any article, the produce or manufacture the territories of His Majesty the Emperor of Japan, from whatever place riving; and no other or higher duties shall be imposed on the importation to the territories of His Majesty the Emperor of Japan of any article, the oduce or manufacture of the territories of the United States, from whatver place arriving, than on the like article produced or manufactured in y other foreign country; nor shall any prohibition be maintained or imsed on the importation of any article, the produce or manufacture of the rritories of either of the High Contracting Parties, into the territories of e other, from whatever place arriving, which shall not equally extend to the portation of the like article, being the produce or manufacture of any her country. This last provision is not applicable to the sanitary and other ohibitions occasioned by the necessity of protecting the safety of persons, of cattle, or of plants useful to agriculture.

ARTICLE V.

No other or higher duties or charges shall be imposed in the territo of either of the High Contracting Parties on the exportation of any art to the territories of the other than such as are, or may be, payable on exportation of the like article to any other foreign country; nor shall prohibition be imposed on the exportation of any article from the territo of either of the two High Contracting Parties to the territories of the o which shall not equally extend to the exportation of the like article to other country.

ARTICLE VI.

The citizens or subjects of each of the High Contracting Parties s enjoy in the territories of the other exemption from all transit duties, a perfect equality of treatment with native citizens or subjects in all that re to warehousing, bounties, facilities, and drawbacks.

ARTICLE VII.

All articles which are or may be legally imported into the ports of territories of His Majesty the Emperor of Japan in Japanese vessels likewise be imported into those ports in vessels of the United States, wit being liable to any other or higher duties or charges of whatever denomina than if such articles were imported in Japanese vessels; and, reciproc all articles which are or may be legally imported into the ports of the t tories of the United States in vessels of the United States may likewis imported into those ports in Japanese vessels, without being liable to other or higher duties or charges of whatever denomination than if articles were imported in vessels of the United States. Such recip equality of treatment shall take effect without distinction, whether articles come directly from the place of origin or from any other place.

In the same manner, there shall be perfect equality of treatment in re to exportation, so that the same export duties shall be paid, and the bounties and drawbacks allowed, in the territories of either of the Contracting Parties on the exportation of any article which is or m legally exported therefrom, whether such exportation shall take pla Japanese vessels or in vessels of the United States, and whatever ma the place of destination, whether a port of either of the High Contra Parties or of any third Power.

ARTICLE VIII.

No duties of tonnage, harbor, pilotage, lighthouse, quarantine, or similar or corresponding duties of whatever nature, or under whatev nomination levied in the name or for the profit of Government, functionaries, private individuals, corporations, or establishments o kind, shall be imposed in the ports of the territories of either country the vessels of the other country which shall not equally and under the conditions be imposed in the like cases on national vessels in gene

ssels of the most favored nation. Such equality of treatment shall apply ciprocally to the respective vessels, from whatever port or place they may rive, and whatever may be their place of destination.

ARTICLE IX.

In all that regards the stationing, loading, and unloading of vessels in the rts, basins, docks, roadsteads, harbors or rivers of the territories of the two untries, no privilege shall be granted to national vessels which shall not equally granted to vessels of the other country; the intention of the igh Contracting Parties being that in this respect also the respective vessels all be treated on the footing of perfect equality.

ARTICLE X.

The coasting trade of both the High Contracting Parties is excepted om the provisions of the present Treaty, and shall be regulated according the laws, ordinances and regulations of the United States and Japan, spectively. It is, however, understood that citizens of the United States the territories of His Majesty the Emperor of Japan and Japanese subcts in the territories of the United States, shall enjoy in this respect the hts which are, or may be, granted under such laws, ordinances and regulions to the citizens or subjects of any other country.

A vessel of the United States laden in a foreign country with cargo stined for two or more ports in the territories of His Majesty the Emperor Japan, and a Japanese vessel laden in a foreign country with cargo destined two or more ports in the territories of the United States, may discharge a rtion of her cargo at one port, and continue her voyage to the other port ports of destination where foreign trade is permitted, for the purpose of ding the remainder of her original cargo there, subject always to the laws d customs regulations of the two countries.

The Japanese Government, however, agrees to allow vessels of the United tes to continue, as heretofore, for the period of the duration of the present eaty, to carry cargo between the existing open ports of the Empire, exoting to or from the ports of Osaka, Niigata, and Ebisuminato.

ARTICLE XI.

Any ship-of-war or merchant vessel of either of the High Contracting rties which may be compelled by stress of weather, or by reason of any her distress, to take shelter in a port of the other, shall be at liberty to t therein, to procure all necessary supplies, and to put to sea again, with paying any dues other than such as would be payable by national vessels. case, however, the master of a merchant vessel should be under the neces of disposing of a part of his cargo in order to defray the expenses, he ll be bound to conform to the regulations and tariffs of the place to which may have come.

If any ship-of-war or merchant-vessel of one of the High Contracting rties should run aground or be wrecked upon the coasts of the other, the

local authorities shall inform the Consul General, Consul, Vice-Consul, o Consular Agent of the district, of the occurrence, or if there be no such consular officers, they shall inform the Consul General, Consul, Vice-Consul or Consular Agent of the nearest district.

All proceedings relative to the salvage of Japanese vessels, wrecked o cast on shore in the territorial waters of the United States, shall take plac in accordance with the laws of the United States, and, reciprocally, a measures of salvage relative to vessels of the United States, wrecked or ca on shore in the territorial waters of His Majesty the Emperor of Japan, sha take place in accordance with the laws, ordinances, and regulations of Japan

Such stranded or wrecked ship or vessel, and all parts thereof, and a furnitures and appurtenances belonging thereunto, and all goods and me chandize saved therefrom, including those which may have been cast int the sea, or the proceeds thereof, if sold, as well as all papers found on boar such stranded or wrecked ship or vessel, shall be given up to the owners o their agents, when claimed by them. If such owners or agents are not o the spot, the same shall be delivered to the respective Consuls General, Co suls, Vice-Consuls, or Consular Agents upon being claimed by them with the period fixed by the laws, ordinances and regulations of the country, an such Consular officers, owners, or agents shall pay only the expenses incurr in the preservation of the property, together with the salvage or other e penses which would have been payable in the case of the wreck of a nation vessel.

The goods and merchandize saved from the wreck shall be exempt fro all the duties of the Customs unless cleared for consumption, in which cas they shall pay the ordinary duties.

When a vessel belonging to the citizens or subjects of one of the Hig Contracting Parties is stranded or wrecked in the territories of the other, th respective Consuls General, Consuls, Vice-Consuls, and Consular Agent shall be authorized, in case the owner or master, or other agent of the owner is not present, to lend their official assistance in order to afford the necessary assistance to the citizens or subjects of the respective States. The same rule shall apply in case the owner, master, or other agent is present, but requires such assistance to be given.

ARTICLE XII.

All vessels which, according to United States law, are to be deemed vessels of the United States, and all vessels which, according to Japanese law, are to be deemed Japanese vessels, shall, for the purposes of this Treaty, be deemed vessels of the United States and Japanese vessels, respectively.

ARTICLE XIII.

The Consuls General, Consuls, Vice-Consuls, and Consular Agents of each of the High Contracting Parties, residing in the territories of the other, shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

local authorities shall inform the Consul General, Consul, Vice-Consul, o Consular Agent of the district, of the occurrence, or if there be no such consular officers, they shall inform the Consul General, Consul, Vice-Consul or Consular Agent of the nearest district.

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ARTICLE XIII.

The Consuls General, Consuls, Vice-Consuls, and Consular Agents of each of the High Contracting Parties, residing in the territories of the other, shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

It is understood that this stipulation shall not apply to the citizens or jects of the country where the desertion takes place.

ARTICLE XIV.

The High Contracting Parties agree that, in all that concerns commerce navigation, any privilege, favor or immunity which either High Con-ting Party has actually granted, or may hereafter grant, to the Govern-nt, ships, citizens or subjects of any other State, shall be extended to the vernment, ships, citizens or subjects of the other High Contracting Party, tuitously, if the concession in favor of that other State shall have been tuitous, and on the same or equivalent conditions if the concession shall e been conditional; it being their intention that the trade and naviga-n of each country shall be placed, in all respects, by the other upon the ting of the most favored nation.

ARTICLE XV.

Each of the High Contracting Parties may appoint Consuls General, nsuls, Vice-Consuls, Pro-Consuls, and Consular Agents, in all the ports, ies, and places of the other, except in those where it may not be con-nient to recognize such officers.

This exception, however, shall not be made in regard to one of the High ntracting Parties without being made likewise in regard to every other wer.

The Consuls General, Consuls, Vice-Consuls, Pro-Consuls, and Consular gents may exercise all functions, and shall enjoy all privileges, exemptions, d immunities which are, or may hereafter be, granted to Consular officers the most favored nation.

ARTICLE XVI.

The citizens or subjects of each of the High Contracting Parties shall njoy in the territories of the other the same protection as native citizens or bjects in regard to patents, trade-marks and designs, upon fulfilment of e formalities prescribed by law.

ARTICLE XVII.

The High Contracting Parties agree to the following arrangement:—

The several Foreign Settlements in Japan shall, from the date this Treaty omes into force, be incorporated with the respective Japanese Communes, nd shall thenceforth form part of the general municipal system of Japan. he competent Japanese Authorities shall thereupon assume all municipal bligations and duties in respect thereof, and the common funds and prop-rty, if any, belonging to such Settlements shall at the same time be trans-erred to the said Japanese Authorities.

When such incorporation takes place existing leases in perpetuity upon which property is now held in the said Settlements shall be confirmed, and no conditions whatsoever other than those contained in such existing leases

shall be imposed in respect of such property. It is, however, understood that the Consular Authorities mentioned in the same are in all cases to be replaced by the Japanese Authorities. All lands which may previously have been granted by the Japanese Government free of rent for the public purposes of the said Settlements shall, subject to the right of eminent domain, be permanently reserved free of all taxes and charges for the public purposes for which they were originally set apart.

ARTICLE XVIII.

This Treaty shall, from the date it comes into force, be substituted in place of the Treaty of Peace and Amity concluded on the 3d day of the 3d month of the 7th year of Kayei, corresponding to the 31st day of March, 1854; the Treaty of Amity and Commerce concluded on the 19th day of the 6th month of the 5th year of Ansei, corresponding to the 29th day of July, 1858; the Tariff Convention concluded on the 13th day of the 5th month of the 2nd year of Keio, corresponding to the 25th day of June, 1866; the Convention concluded on the 25th day of the 7th month of the 11th year of Meiji, corresponding to the 25th day of July, 1878, and all Arrangements and Agreements subsidiary thereto concluded or existing between the High Contracting Parties; and from the same date such Treaties, Conventions, Arrangements and Agreements shall cease to be binding, and, in consequence, the jurisdiction then exercised by Courts of the United States in Japan and all the exceptional privileges, exemptions and immunities then enjoyed by citizens of the United States as a part of, or appurtenant to such jurisdiction, shall absolutely and without notice cease and determine, and thereafter all such jurisdiction shall be assumed and exercised by Japanese Courts.

ARTICLE XIX.

This Treaty shall go into operation on the 17th day of July, 1899, and shall remain in force for the period of twelve years from that date.

Either High Contracting Party shall have the right, at any time thereafter to give notice to the other of its intention to terminate the same, and at the expiration of twelve months after such notice is given this Treaty shall wholly cease and determine.

ARTICLE XX.

This Treaty shall be ratified, and the ratifications thereof shall be exchanged, either at Washington or Tokio, as soon as possible and not later than six months after its signature.

In witness whereof the respective Plenipotentiaries have signed the present Treaty in duplicate and have thereunto affixed their seals.

Done at the City of Washington the 22d day of November, in the eighteen hundred and ninety-fourth year of the Christian era, corresponding to the 22d day of the 11th month of the 27th year of Meiji

WALTER Q. GRESHAM [SEAL.]
SHINICHIRO KURINO. [SEAL.]

And whereas the said Treaty has been duly ratified, as amended, on both parts and the ratifications of the two Governments were exchanged in the city of Washington on the twenty-first day of March, one thousand eight hundred and ninety-five;

Now, therefore, be it known that I, Grover Cleveland, President of the United States of America, have caused the said Treaty, as amended, to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof

In witness whereof, I have set my hand and caused the seal of the United States of America to be affixed.

Done at the city of Washington this twenty-first day of March, in the year of our Lord one thousand eight hundred and ninety-five, and of the Independence of the United States of America the one hundred and nineteenth.

[SEAL.]

GROVER CLEVELAND

By the President:

W Q GRESHAM

Secretary of State.

PROTOCOL

BETWEEN

THE UNITED STATES OF AMERICA AND THE EMPIRE OF JAPAN.

TO REGULATE

CERTAIN SPECIAL MATTERS OF MUTUAL CONCERN, APART FROM THE TREATY OF COMMERCE AND NAVIGATION OF NOVEMBER 22, 1894, BETWEEN THE TWO GOVERNMENTS.

Signed at Washington November 22, 1894.
Proclaimed by the President March 21, 1895.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, a Protocol between the United States of America and the Empire of Japan to regulate certain special matters of mutual concern, apart from the Treaty of Commerce and Navigation of November 22, 1894, between the same High Contracting Parties, was concluded and signed by their respective Plenipotentiaries, on the 22d day of November, 1894, which Protocol, being in the English language, is word for word as follows:—

PROTOCOL.

The Government of the United States of America and the Government of His Majesty the Emperor of Japan, deeming it advisable in the interests of both countries to regulate certain special matters of mutual concern, apart from the Treaty of Commerce and Navigation signed this day, have, through their respective Plenipotentiaries, agreed upon the following stipulations:—

1. It is agreed by the Contracting Parties that one month after the exchange of the ratifications of the Treaty of Commerce and Navigation signed this day the Import Tariff now in operation in Japan in respect of goods and merchandise imported into Japan by citizens of the United States shall cease to be binding. From the same date the General Statutory Tariff of Japan shall, subject to the provisions of Article IX of the Treaty of

ch 31, 1854, at present subsisting between the Contracting Parties, so as said Treaty remains in force, and, thereafter, subject to the provisions Article IV and Article XIV of the Treaty signed this day, be applicable oods and merchandise being the growth, produce or manufacture of the itories of the United States upon importation into Japan.

But nothing contained in this Protocol shall be held to limit or qualify right of the Japanese Government to restrict or to prohibit the importa- of adulterated drugs, medicines, food or beverages; indecent or obscene ts, paintings, books, cards, lithographic or other engravings, photographs ny other indecent or obscene articles; articles in violation of the patent, le-mark or copy-right laws of Japan; or any other article which for itary reasons, or in view of public security or morals, might offer any ger.

2. The Japanese Government, pending the opening of the country to zens of the United States, agrees to extend the existing passport system such a manner as to allow citizens of the United States, on the produc- n of a certifiate of recommendation from the Representative of the United tes at Tokio, or from any of the Consuls of the United States at the n ports of Japan, to obtain upon application passports available for any t of the country and for any period not exceeding twelve months, from Imperial Japanese Foreign Office in Tokio, or from the Chief Authorities the Prefecture in which an open port is situated, it being understood that existing Rules and Regulations governing citizens of the United States o visit the interior of the Empire are to be maintained.

3. The undersigned Plenipotentiaries have agreed that this Protocol ll be submitted to the two High Contracting Parties at the same time as Treaty of Commerce and Navigation signed this day, and that when the d Treaty is ratified the agreements contained in the Protocol shall also ually be considered as approved, without the necessity of a further formal tification.

It is agreed that this Protocol shall terminate at the same time the said reaty ceases to be binding.

In witness whereof the respective Plenipotentiaries have signed the same d have affixed thereto their seals.

Done at Washington the 22d day of November in the eighteen hundred d ninety-fourth year of the Christian era, corresponding to the 22d day the 11th month of the 27th year of Meiji.

WALTER Q. GRESHAM [SEAL.]
SHINICHIRO KURINO [SEAL.]

And whereas, it was stipulated in the said Protocol that it hould be submitted to the two High Contracting Parties at the ame time as the said Treaty of Commerce and Navigation, nd that when the said Treaty should be ratified, the agree- nents contained in the Protocol, should also equally be con-

sidered as approved, without the necessity of a further fo
ratification;

And, whereas, the said Treaty of Commerce and Na
tion, as amended, has been duly ratified on both parts,
the ratifications thereof were exchanged at the City of W
ington on the 21st day of March 1895;

Now, therefore, be it known that I, Grover Clevel
President of the United States of America, have caused
said Protocol to be made public, to the end that the same
every article and clause thereof may be observed and fulf
with good faith by the United States of America and
citizens thereof.

In witness whereof I have hereunto set my hand
caused the seal of the United States of America to be affi

Done in the City of Washington this twenty-first da
March, in the year of our Lord one thousand ei
hundred and ninety-five, and of the Independe
[SEAL.] of the United States of America the one hund
and nineteenth.

GROVER CLEVELAND

By the President:
WALTER Q. GRESHAM
Secretary of State.

UNITED STATES LEGATION,
TOKYO, JAPAN.

NO. 276.

April 10, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to enclose herewith translations of the following laws , recently promulgated, relating to the duties of consular officers under the new treaties:

Law Relating to the Duties of Consular Officers.

Law Relating to the Arrest and Retention of Mariners of Foreign Vessels.

I have the honor to be,

Sir,

Your obedient servant,

Joseph C. Grew

Enclosures:

Translations of laws as above.

Encl. with Mr. Herod's No. 276

Translation.

LAW RELATING TO CONSULAR DUTIES.

Article I.- Restrictions with regard to matters in the treaties especially relating to the rights of Consular officers, shall, within limits prescribed by law, be fixed by ordinance.

Article II.- When provisions of law are wanting in regard to matters relating to the duties of Consular officers under the treaties, in cases where such provisions of law are required, they shall be determined by ordinance.

Article III.- Consular officers and others who in accordance with this law are performing consular functions, shall perform their duties in harmony with the provisions of the laws and treaties.

Such officers, however, may conform to the usages founded on international law or to the special usages of the place of residence.

When the preceding clause cannot be observed special regulations may be fixed by ordinance.

Article IV.- When the date of the operation of a law in foreign countries is not fixed, the date of the operation of said law shall be fixed by ordinance.

Article V.- The limits of jurisdiction relating to the duties of consular officers shall be fixed by notification.

Article VI.- Consular officers who by treaty in usage have

authority to exercise consular judicial powers shall perfoem their duties relating to civil and criminal cases and to registration in harmony with Arts. VII and XIII.

Article VII.- With respect to the duties mentioned in the preceding Article Consular officers may, within limits not opposed to the law, treaty, or usage, perform the functions of a District or Local Court of Justice.

Article VIII.- Consular officers cannot conduct a trial for a major criminal offence. In minor criminal cases a preliminary examination is not necessary.

Article IX.- The trial of cases of major criminal offences, the preliminary examination of which has been conducted by a consular officer, shall belong to the jurisdiction of the Nagasaki District Court.

Article X.- When diplomatic correspondence is necessary relating to a case belonging to the jurisdiction of a consular officer, the Minister for Foreign Affairs may order the consular officer not to take jurisdiction and may cause the accused to be placed in a prison of the country.

In the case mentioned in the preceding clause the Minister of Justice shall, when the case falls within the province of a District Court, cause the Public Prosecutor of the Nagasaki Court of Appeal to apply to that Court to appoint the place of trial; and when the case belongs to the province of a local court he shall cause the Public Prosecutor of the Nagasaki District Court to apply to that Court to determine jurisdiction.

diction.

Article XI.- With respect to the petition and trial mentioned in the preceding Article the provisions of Article XXXIII of the Law of Civil Procedure shall be applied.

Article XII.- Appeal from a decision in a case tried by a consular officer belonging to the scope of a District Court shall be made to the Nagasaki Court of Appeal.

Appeal from the decision in a case tried by a Consul which falls within the scope of a local court shall belong to the jurisdiction of the Nagasaki District Court.

Article XIII.- A consular officer may cause a member of his consulate or a police officer to act in the capacity of public procurator or clerk of court.

When there is no suitable person to serve in the capacity of clerkof court as provided in the preceding clause the consular officer may select some Japanese subject residing within the district of his jurisdiction to perform the duties of clerk temporarily.

Article XIV.- A consular officer may cause a member of his consulate or a police officer to perform the duties of public undertaker.

The person who executes the function mentioned in the preceding clause may on his own responsibility specially entrust the performance of the duties to another suitable person

Article XV.- Any person who desires to act in the capacity of counsel or attorney, except in accordance with the provisions of law, must receive the permission of the Consular

officer.

Article XVI.- The provisions relating to contempt of court usually applied to courts of law shall not be applied to consular officers or others performing their duties in accordance with this law.

Article XVII.- In case there is no person to perform the duties mentioned in Arts. XIII and XIV the Minister of Foreign Affairs may despatch an official from another consulate in the same country to perform the said duties.

Article XVIII.- A person who is not a consular officer can be appointed by ordinance to perform the duties of such officer as set forth in the provisions of this or other laws only in a place where there is no consulate established.

Article XIX.- The terms "Consul" or "Consular Officer" as used in this law and other laws designate consuls or their deputies who are not Honorary Consuls.

Article XX.- Provisions necessary for the enactment of this law shall be fixed by ordinance.

Article XXI.- The Regulations of Consular Courts in China and Korea shall be abolished from the date of enforcement of this law.

Enclosure with
Mr. Herod's No. 276

Translation.

LAW RELATING TO
ARREST AND DETENTION OF MARINERS OF FOREIGN VESSELS.

Article I.- Assistance in the arrest or detention of mariners of foreign vessels as provided for in the Treaties of Navigation and Commerce and Consular Conventions with the various Treaty Powers, shall be given by the Public Prosecutor on the application of the proper Consular Officer.

Article II.- In the following cases the Public Prosecutor cannot comply with the request for assistance in arrest or detention:

(1) When the person to be arrested or detained is a Japanese subject.

(2) When the person is under trial for a major or minor criminal offence in Japan, or undergoing punishment therefor.

(3) When a mariner has already been released according to Article VIII and application is again made on the ground of the same offence.

(4) When the Consular Officer does not include with the application a correct copy of the ship's register and the list of names of mariners, or a certified document sufficient to identify the mariner.

(5) When the Consular Officer will not guarantee the costs connected with the assistance.

Article III.- The Public Prosecutor upon receipt of an application from a Consular Officer for the arrest or detention, if the request appears to be a proper one, shall comply with the same immediately.

Article IV.- When the Public Prosecutor orders the arrest of a mariner he shall issue a warrant of arrest.

Article V.- The person to whom the order for the execution of a warrant of arrest is given, shall, when the arrest is made, deliver (the person) to the Public Prosecutor who issued the warrant of arrest.

Article VI.- In the case mentioned in the preceding Article the Public Prosecutor shall immediately inspect the person, and when it appears that he without doubt the person designated, shall deliver him to the Consular Officer.

Article VII.- On application from the Consular Officer the mariner who has been arrested shall be put in prison by the order of the Public Prosecutor.

Article VIII.- A mariner who has been detained shall on the application of the Consular Officer, be released; or he may be released if within six months from the day of arrest no application has been received for his delivery.

Article IX.- In regard to the issuance and execution of a warrant of arrest the provision in the Law of Criminal Procedure respecting warrants of arrest shall be applied.

Article X.- Application shall be made by the Public Prosecutor to the proper consular officer for the amount of actual expense connected with the assistance.

Article XI.- The Public Prosecutor shall, on receipt of an application for assistance in arrest or detention

immediately report the same to the Minister of Justice; likewise when the request appears to be one that cannot be complied with it shall be reported to the Minister of Justice on the completion of the proceedings.

DIPLOMATIC,

JUN 12 1899

BUREAU.

UNITED STATES LEGATION
TOKYO, JAPAN.

2D ASSISTANT SECRETARY,
Mr. Emory may print.
Copies to Civil Service Commission.
Ack. sending 3 copies of Ad. Sheets.
MAY 4 1899

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4 MAY 1899
DEPT. OF STATE

No. 277

Dis. of June 16/99

April 10, 1899.

PRINTED IN ADVANCE SHEETS NO. 448

Mr. Herod,

to the Secretary of State.

Subject:

New Civil Service Regulations of Japan.

UNITED STATES LEGATION,
TOKYO, JAPAN.

NO. 277.

April 10, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to inclose herewith a clipping from the Japan Times, of date the 30th of March, giving translation of the new Civil Service rules recently promulgated by the present Cabinet in the Official Gazette.

The new rules, framed to limit the power of appointment in the hands of a Party Government, should one be established, came as a surprise to the public and not least so to the Parliamentary allies of the present Gabinet, the Liberals. It is believed, however, that no rupture will occur between the Government and the Liberals as an understanding is being arrived at by the leaders on each side.

I have the honor to be,

Sir,

Your obedient servant,

Joseph C. Strauss

Enclosure:

Clipping from Japan Times of March 30, 1899.

Enclosure with Jur. Hero's No. 227

The Japan Times.

TOKYO, THURSDAY, MAR. 30TH, 1899

THE CIVIL SERVICE APPOINTMENT REGULATIONS.

The Civil Service Appointment Regulations have been amended in several important respects by Imperial Ordinance No. 61 promulgated by Tuesday's issue of the *Official Gazette*. The new Regulations are to come into force on April 10th of the current year. The existing Regulations do not cover civil officials of *Chokunin* rank, so that they can be appointed independently from various restraining clauses regulating the appointment of officials of the *Sonin* rank. The Ordinance just issued provides strict regulations as to the qualifications of eligible candidates for posts of the *Chokunin* rank. These provisions are set forth in Art. 1 of the new Regulations, as follows:—

"Art. I.—Civil officials of the *chokunin* rank shall be appointed from among those who possess any of the undermentioned qualifications. These provisions, however, shall not apply to posts requiring personal appointment by the Emperor and to others coming under special provisions.

"1.—Those who are actually holding, or have once held, posts of the *sonin* rank of the 3rd grade, excepting those who have been appointed in virtue of special provisions, Technical Experts and School Instructors.

"2.—Those who have held for not less than one year civil posts of the *chokunin* rank, otherwise than in virtue of special provisions or as Instructors or Experts.

"3.—Those who have held civil posts of the *chokunin* rank, otherwise than in virtue of special provisions or as Instructors and Technical Experts, and who possess the qualification specified in clause 1, Art. II., [namely, the certificate of the Higher Civil Service Examination.]

"4.—Those who are actually holding or have held for not less than two years posts of Public Prosecutors of the *chokunin* rank.

"Those who are actually holding or have held for not less than two years posts of Judges of the *chokunin* rank may be appointed *chokunin* civil officials of the Department of Justice.

"Those who are actually holding or have held for not less than two years posts of the *chokunin* rank of the Imperial Universities or at any of the educational institutions under the direct control of the Department of Education, may be appointed *chokunin* civil officials of that Department.

"Excepting in cases for which special provisions exist, Military Officers of or above the rank of Major-General and the Naval Officers of or above the rank of Rear-Admiral, may be appointed to the civil posts of the *chokunin* rank in the Departments of War and of the Navy respectively."

Provisions relative to the appointment of the Civil officals of the *sonin* rank, contained in Art. II. of the new Regulations, do not differ much from the corresponding provisions in the existing Regulations, Art. II. in the new Regulations being as follows:—

"Art. II.—Excepting in cases for which special provisions exist, civil officials of the *sonin* rank shall be appointed from among those who possess any of the following qualifications:—

"1.—Those who have successfully passed the Higher Civil Service Examinations and possess certificates thereof.

"2.—Those who have held posts of Higher Civil Service for not less than two years, otherwise than in virtue of special provisions, or as Instructors or Experts.

"3.—Those who are actually holding or have held for not less than two years posts of Public Prosecutors.

"Those who are actually holding or have held for not less than two years posts of Judges may be appointed civil officials of the *sonin* rank in the Department of Justice."

The only points of difference between the above mentioned provisions concerning *sonin* civil officials and the corresponding articles in the existing Regulations, consist in the time qualification, put at three years in the latter both for clauses 2 and 3, and the extension to Judges of eligibility to civil posts of the *sonin* rank in the Department of Justice.

The provisions regarding the appointment of civil officials of the *hannin* rank in the new and old Regulations do not differ in any essential respect, the principal items of qualification in their case being the graduation of the Ordinary Middle Schools, and the possession of the certificates of either the Ordinary or the Higher Civil Service Examinations.

THE CIVIL OFFICIALS STATUS AND DISCIPLINARY REGULATIONS.

Simultaneously with the Civil Service Appointment Regulations, two other correlated Regulations have been issued, one relating to the Status of Civil Officials and the other to their Discipline. We give below the gist of the two Regulations.

THE CIVIL OFFICIALS' STATUS REGULATIONS.

The Regulations apply to civil officials in general, excepting officials requiring personal appointment by the Emperor, Ministers to foreign countries, personal secretaries, and others whose appointment is specially provided by law.

Civil officials shall not be deprived of their posts unless as a result of criminal sentence passed by a court of law or of disciplinary punishment or unless they come under any of the following clauses:—

"1.—When in consequence of physical deformity or incurable disease or in consequence of debility of body or mind, they are judged unfitt for the discharge of their duties.

"2.—When in consequence of incapacity for the discharge of duties as a result of wounds or illness, or from consideration of their personal convenience they request of their own accord to be relieved of their posts.

"3.—When a superfluity has been produced as a result of the amendenent of an Official Organization or of the reduction of the fixed number of officials."

Cases coming under clause 1 mentioned above shall be judged by the Higher or Ordinary Civil Service Disciplinary Committee, according to the rank of the officials concerned. Furthermore, no civil official shall be transferred against his will to another post lower in grade than that he is actually occupying.

But civil officials may be placed on the *kyushoku* list (temporary retirement) when they come under any of the following clauses:—

"1.—When, in accordance with the provisions of the Disciplinary Regulations, they are handed over for examination to Disciplinary Committee.

"2.—When accused or informed against in connection with a criminal affair.

"3.—When a superfluity has been produced as a result of the amendment of an official Organization or a reduction of the fixed number of officials.

"4.—When their retirement is required by the necessity of business arrangements in the respective offices."

As for cases coming under clauses 1 and 2 mentioned above, the period of temporary retirement shall be coextensive with the time they are in the hands of either a Disciplinary Committee or of judges. Three years shall be the period of temporary retirement for cases coming under the remaining two clauses.

In the meanwhile the officials on the temporary retirement list shall be entitled to one-third of the full pay.

THE CIVIL SERVICE DISCIPLINARY REGULATIONS.

Excepting officials requiring personal appointment by the Emperor or those officials for whom special provisions exist, all other civil officials shall not be subject to disciplinary punishment, unless in accordance with the present Regulations, cases under which civil officials are liable for disciplinary punishments being as follows:—

"1.—When they have acted contrary to, or neglected, their official duties.

"2.—When, whether in connection with the discharge of their official duties or otherwise, they have committed acts calculated to impair official prestige or credit."

Disciplinary punishments shall be of three forms, namely, dismisal, reduction of salary and reprimand. (Resignation by instruction, *yushi menkan*, is also included in the existing Disciplinary Regulations, but this has been struck out in the new Regulations.) The rate of reduction of salaries has been somewhat increased. Whereas the existing provisions put the minimum and maximum limits at one-tenth of one month's salary and three months' full salary respectively, the new Regulations provide that the reduction shall be one-third or less of the monthly pay for a period varying from one to twelve months.

All the disciplinary affairs of civil officials, excepting those of special classes, shall be dealt with in the future by the Higher Disciplinary Committee, where officials involved are those of *chokunin* or *sonin* rank, and by the Ordinary Disciplinary Committee where officials of *hannin* rank are concerned. The Higher Disciplinary Committee shall consist of one chairman, to be filled by a Privy Councillor, and of six Commissioners to be appointed from among the President and *chokunin* Judges of the Administrative Litigation Court, *chokunin* Judges of ordinary Courts of law, and other civil officials of the same rank. On the other hand an Ordinary Disciplinary Committee shall be established at all the important central and local Offices, namely, the Cabinet, Privy Council, Departments of State, Formosan Government, Board of Audit, Administrative Litigation Court, Metropolitan Police Board, Prefectural Offices, Formosan Local Offices, House of Peers' Office, and House of Representatives' Office.

UNITED STATES LEGATION,
TOKYO, JAPAN.

April 18, 1899.

No. 278.



Mr. Herod

to the Secretary of State,

Subject:

Cable Address of the Department.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 278.

April 18, 1899.

Honorable John Hay,

Secretary of State,

Washington,

Sir:-

I have the honor to acknowledge the receipt of your circular instruction dated March 11, 1899, informing ge that, hereafter, all telegrams to the Department are to be addressed simply "Secstate, Washington", the Department having adopted that as its cable address.

I have the honor to be,

Sir,

Your obedient servant,

Joseph H. Stowdy

DIPLOMATIC,

MAY 11 1899

BUREAU.

UNITED STATES LEGATION,
TOKYO, JAPAN.

April 18, 1899.

No. 279.



Asked May 8/99
Ack. & dispose of books in our Library. H.P.

Mr. Herod to the

Secretary of State.



Dispatch received and sent to Dr. Conn. for action
H.P.L.

Subject:

"Résumé Statistique de l'Empire du Japan" sent under separate cover.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 279

April 18, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to transmit under separate cover two copies of the "Résumé Statistique de l'Empire du Japon" for the year 1899.

I have the honor to be,

Sir,

Your obedient servant,

Joseph C. Grew

DIPLOMATIC,
MAY 11 1899
BUREAU.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No 280.

INDEX BUREAU
REC'D.
11 MAY '99
DEPT. OF STATE

April 18, 1899.

Copy to Sec. of War Dec 21/99
Copy to Treas Dec. 27/99
Copy to Hon. C.A. Herman.
June 3.99. th

Mr. Herod,

to the Secretary of State.

Subject:

Translation of Tobacco Monopoly Law of Japan.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 280.

April 18, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

Referring to the Department's circular instruction of date January 17th last, requesting a statement of the laws and regulations regarding the introduction and sale of tobacco in Japan, I have the honor to enclose herewith translation of the Tobacco Monopoly Law as revised March 1st, last, and of the Imperial Rescript of date March 30th, fixing the date of enforcement of the provisions therein relating to imported tobacco.

On inquiry at the Treasury Department I am informed that the regulations relating to the method of importation and sale of foreign tobacco under the Monopoly Law have not yet been determined.

I have the honor to be,

Sir,

Your obedient servant/

Joseph R. Stroock

Enclosure:

Translation of Law of Tobacco Monopoly, and Imperial Rescript fixing date of enforcement of provisions relating to imported tobacco.

LAW OF TOBACCO MONOPOLY. [REVISED, March 1, 1899]

Law No. 28.

Article I.- The Government shall have the right of monopoly of leaf Tobacco.

Article II.- The Government shall receive leaf tobacco or import and sell the same.

Article III.- One who cultivates leaf tobacco shall send all the leaf tobacco, after it is dried, to the Government, and it shall not be transferred or sold to any other person.

Article IV.- When one who cultivates leaf tobacco shall deliver the leaf tobacco, the Government shall pay in compensation for the same.

The amount of compensation for leaf tobacco shall be fixed by the Government and shall be published in advance. Its quality and grade shall be examined by an examiner.

In case of dissatisfaction with the examination re-examination may be requested.

Article V.- The Government can determine in advance the districts of land for the cultivation of leaf tobacco. Provided that the land used for experimenting in raising leaf tobacco conducted at official or public expense shall be exempted.

Article VI.) Any person who desires to cultivate leaf tobacco shall inform the Government within the prescribed time each year, the kind of leaf tobacco, land, and number of acres which are to be cultivated. In case of change in the matters specified

matters specified, the case is similar.

The Government may limit the kinds of tobacco and the number of acres mentioned in the above clause according to the demand and supply of leaf tobacco.

When a person who cultivates leaf tobacco has cultivated, bartered, or sold leaf tobacco in violation of this law, the Government may prohibit the cultivation of leaf tobacco for three years or less, according to the circumstances.

Article VII.- When the cultivator of leaf tobacco has been changed, notice shall be given to the Government by his successor.

Article VIII.- A manufacturer or dealer in tobacco cannot cultivate leaf tobacco.

Article IX.) Erased.

Article X.- A cultivator of leaf tobacco shall forward the same dried to the place appointed by the Government by March 31st of the following year. When the leaf tobacco has to be stored beyond the date fixed the sanction of the Government must be obtained.

Article XI.- A cultivator of leaf tobacco cannot store leaf leaf tobacco which he himself has not raised; nor can any person who is not a cultivator of leaf tobacco store the leaf tobacco of any other person without first making application to the Government.

Article XII.- When the sanction of the Government has been obtained for the export of leaf tobacco it can be

LAW OF TOBACCO MONOPOLY. [REVISED,] March 1, 1899]

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Article XI.- A cultivator of leaf tobacco cannot store leaf leaf tobacco which he himself has not raised; nor can any person who is not a cultivator of leaf tobacco store the leaf tobacco of any other person without first making application to the Government.

Article XII.- When the sanction of the Government has been obtained for the export of leaf tobacco it can be

sold to another person without delivery to the Government.

Article XIII.- The Government shall take the charge of leaf tobacco mentioned in the previous article.

Article XIV.- The leaf tobacco for which the supervision of the Government is obtained may be sold or bought by means of the certificate of supervision.

Article XV.- The leaf tobacco which is taken charge of by the Government may, when it is not exported within one year after the supervision, be taken by the Government.

Article XVI.- The leaf tobacco which has been taken charge of by the Government shall be delivered by the exporter when it is to be exported.

Article XVII.- Expenses connected with the supervision or transportation shall be paid by the possessor of the certificate of the supervision.

Article XVIII.- The Government may examine the land for cultivation and the storehouse for leaf tobacco or any other place where the tobacco is, without regard to whom it may belong to. In such case the proper official may enter the place where leaf tobacco is or where it is deemed to be, or he can take necessary measures for inspection. When leaf tobacco is in course of transportation, examination can be executed at the place where it is.

Article XIX.- The Government shall establish offices for the management of leaf tobacco at convenient places in each

locality and shall manage the receipt and sale of leaf tobacco.

Article XIX (2) Leaf tobacco shall all be sold at a fixed price.

Note:- When the case is deemed necessary the contract may be opened to tender.

Article XIX (3) Leaf tobacco cannot be imported except by the Government.

Article XIX (4). No person can receive the delivery of leaf tobacco except a manufacturer of tobacco or dealer in tobacco; except when the tobacco is purchased with the permission of the proper official.

Tobacco that has been sold by the Government may be hypothecated and subject to the right of hypothecation.

Article XIX (5) One who desires to manufacture tobacco or or trade in leaf tobacco shall make application to the Government every year for a licanse and shall pay the following fee for the same; in case of abandonment of the business immediate notice shall be given:

1. One who manufactures tobacco, Yen 50 for each place of business.
2. One who trades in leaf tobacco, Yen 50.

Article XIX (6) One who manufactures tobacco or trades in leaf tobacco cannot manufacture tobacco using articles other than leaf tobacco, and cannot trade in articles which are not leaf tobacco with the purpose of furnishing them for

the manufacture of tobacco.

Article XIX (7) One who manufactures tobacco or trades in leaf tobacco shall keep books and keep the necessary details relating to the business and the authorized official may examine the same at his convenience.

Article XIX (8) When one who manufactures tobacco or trades in leaf tobacco possesses leaf tobacco which has not been sold by the Government, the Government may take the same regardless of whom it belongs to and the amount of compensation shall be paid according to Art. IV.

Article XX.- One who has cultivated leaf tobacco outside the limits of the land for the culture of leaf tobacco, or in ground which has not been reported shall be punished with a fine of from Yen 3 to 30, and the leaf tobacco shall be taken; when prior to the harvest, the cultivation shall be abandoned.

When one who manufactures tobacco or one who deals in leaf tobacco or has been prohibited from the cultivation of leaf tobacco has cultivated leaf tobacco, the same penalty shall be inflicted.

Article XXI.- In case a cultivator of leaf tobacco transfers to another or uses the leaf tobacco which should be delivered to the Government; or in case of the receipt of transfer of leaf tobacco by a person who cannot receive such transfer, or in case of receipt of transference of leaf tobacco which is known not to have been sold by the Government by a person who manufactures tobacco or trades in leaf tobacco; or

in case of receipt of delivery of leaf tobacco from a person who cannot receive the delivery of leaf tobacco, or in the ~~ase~~ case of receipt of leaf tobacco from a person whose name and address are unknown, one shall be punished with a fine of from Yen 10 to Yen 300, and in case of the leaf tobacco so received being still in existence it shall be confiscated, and when it is already transferred to another or consumed, the price thereof shall be collected.

Article XXI (2) A person who manufactures tobacco or trades in leaf tobacco without a license shall be fined an amount equivalent to from twice to five times the fee for a license, and in case the leaf tobacco or manufactured tobacco so used be still in existance it shall be confiscated, and when it has already been transferred to another or consumed, the price thereof shall be collected.

Article XXI (3) When a person who manufactures tobacco or trades in leaf tobacco has manufactured tobacco from materials other than leaf tobacco, or has sold or bought materials which are not leaf tobacco with the purpose of furnishing them for the manufacture of tobacco, he shall be fined from Yen 10 to Yen 100; and in case of the existence of such manufactured articles or the materials for manufacture they shall be confiscated. When they have been already transferred to another or consumed, the price shall be collected.

Article XXII.- When a cultivator of leaf tobacco has stored leaf tobacco which is not his own cultivation or when he has stored leaf tobacco after March 31st of the following year without having received the permission of the Government, he shall be subject to a fine of from Yen 3 to

Yen 30. Moreover the Government shall confiscate the leaf tobacco without regard to whom it may belong to, and the amount of compensation be given according to Art. IV.

When a person who is not a cultivator of leaf tobacco has stored leaf tobacco belonging to another person without permission, he shall be fined from Yen 3 to Yen 30. When the possessor of the stored leaf tobacco is not known, the provisions of the foregoing Article shall be enforced.

Article XXIII.- When a change in the cultivator of leaf tobacco is made without reporting to the authorities a fine of from Yen 1 to Yen 1.95 shall be paid.

Article XXIV.- When a manufacturer of tobacco or dealer in leaf tobacco has neglected to keep books relating to the business or has kept false accounts, he shall be fined from Yen 3 to Yen 30

Article XXV.- One who has made false statements or has neglected to answer to the questions of the Government or of the proper official, he shall be fined from Yen 3 to Yen 30.

Article XXVI.- Any person who, in the event of the examination of leaf tobacco and of books, shall refuse to allow the authorized official to perform his duty or shall avoid or obstruct the same, shall be fined from Yen 2 to Yen 20; and if such person violates the criminal law, he shall be prosecuted according to the same.

Article XXVII.- The provisions of the criminal law relating to crimes against credit, commutation of degree of punishment, repeated offences, and several crimes divulged at once shall not be enforced against persons violating this Law; except in the case of Art. 75; Clause 1, of the Criminal Law.

Article XXVIII.- When the representative, family, one who lives in the same house, or an employe of a cultivator of leaf tobacco, or a manufacturer of tobacco or a dealer in leaf tobacco has violated this law, the penalties herein provided cannot be escaped on the ground that the action was done without his direction.

A P P E N D I X .

Article XXIX.- This Law shall be enforced from January 1st, 18 1898.

Article XXX.- The districts where owing to special circumstances the provisions of this Law shall not be enforced may be fixed by Imperial Ordinance.

Leaf tobacco or manufactured tobacco cannot be conveyed from the district where this Law is not enforced to a district under the operation of this Law, except by the Government. In case of the violation of this provision the leaf tobacco or manufactured tobacco, if in existence, shall be confiscated; when it is already transferred to another person

or consumed, the price shall be collected.

Article XXXI.- Imperial Ordinance No. 20, of 1888 relating to the tax on tobacco shall be abolished from the date of enforcement of this Law; with regard to tobacco manufactured from the leaf tobacco which has been in possession previous to the enforcement of this Law, regulations of Imperial Ordinance No. 20, of 1894, relating to the tax of tobacco, shall be enforced.

Article XXXII.- Leaf tobacco possessed by a tobacco broker or cultivator of leaf tobacco at the time of enforcement of this Law shall be delivered to the Government. The particulars relating to the delivery shall be fixed by notification.

Article XXXIII.- An owner of leaf tobacco at the time of enforcement of this Law who cannot receive the delivery of leaf tobacco after the enforcement of this Law, shall deliver the leaf tobacco in his possession to a manufacturer of tobacco or dealer in leaf tobacco on or before April 30th, 1899. If any person desires to hold the leaf tobacco after the expiration of this term, permission must be obtained from the Government, stating the kinds and weight. If a person fails to observe this Article his leaf tobacco shall be confiscated.

Article XXXIV.- The date of the enforcement of the regulations relating to the importation of leaf tobacco from foreign countries shall be fixed by Imperial Ordinance.

Imperial Ordinance No. 83, March 30th, 1899.- The date of enforcement of the provisions relating to the importation of leaf tobacco of the Law of Monopoly of Leaf Tobacco shall be the 15th of August, 1899.

UNITED STATES LEGATION,
TOKYO, JAPAN.

DIPLOMATIC,
MAY 11 1899
BUREAU.

INDEX BUREAU
REC'D.
11 MAY '99
DEPT. OF STATE

April 18, 1899.

No. 287

Mr. Herod ,

to the Secretary of State.

Subject:

Supplement to "Treaties and Conventions" containing corrections in Tariff Schedule.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 287.

April 18, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to enclose herewith copy of a supplement that has just been issued to the Treaties and Conventions Between the Empire of Japan and Other Countries, transmitted to the Department with Mr. Buck's No. 255, of February 10, last, revising the "Import Tariff in Appendix B" contained in that volume.

I have the honor to be,

Sir,

Your obedient servant,

Joseph R. Stevens

Enclosure:

Copy of supplement to Treaties and Conventions.

File

DIPLOMATIC,
MAY 11 1899
BUREAU.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 282.

INDEX BUREAU
REC'D.
11 MAY '99
DEPT. OF STATE

April 18, 1899.

Asked May 16/99

Mr. Herod,

to the Secretary of State.

Subject:

Date of operation of Revised Commercial Code of Japan.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 282.

April 18, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to inform you that it is announced in the Official Gazette that the Revised Commercial Code, translation of which was transmitted to the Department with Mr. Buck's No. 173 of July 26, 1898, is to go into operation on the 16th of June, next.

I have the honor to be,

Sir,

Your obedient servant,

Jacob C. Hornby

DIPLOMATIC,
MAY 26 1899
BUREAU.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 283.

INDEX BUREAU
RECD.
26 MAY '99
DEPT. OF STATE

April 20, 1899.

copies sent to Bureau of Trade & Navigation
Dept. of Com.
May 27/99

Mr. Herod,

to the Secretary of State.

Subject:

Transmitting 2 copies of the Annual Return of the Foreign Trade of Japan for 1898.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 283.

April 20, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to transmit herewith, under separate cover, two copies of the Annual Return of the Foreign Trade of the Empire of Japan for 1898.

I have the honor to be,

Sir,

Your obedient servant,

Joseph C. Strong

N. B. -

An examination of the tables on pages 482 and 483 will show that the amount of imports from the United States has increased from 27 millions to 40 millions during the year, and now nearly balance the amount of exports to the United States.

DIPLOMATIC,
MAY 26 1899
BUREAU.

UNITED STATES LEGATION,
TOKYO, JAPAN.

April 20, 1899.

No. 284.

INDEX BUREAU
REC'D.
26 MAY '99
DEPT. OF STATE

Mr. Pierce to Secretary Sherman
Mr. Herod to the Secretary of State.
May 31.

RECEIVED.
MAY 26 1899
BUR. ACCOUNTS. DEP. OF STATE

Sent in Bag May 27th/899.

Subject:

Requisition for record books.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 284.

April 20, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to request that that the Department will furnish this Legation with a record book for preserving copies of despatches to the Department of State; also with two registers for recording letters received and letters sent, respectively.

I have the honor to be,

Sir,

Your obedient servant,

Joseph C. Grew

UNITED STATES LEGATION,
TOKYO, JAPAN.

DIPLOMATIC,
MAY 26 1899
BUREAU.

No. 285.

INDEX BUREAU
REC'D.
26 MAY '99
DEPT. OF STATE

April 24, 1899.

Mr. Herod,

to the Secretary of State.

Subject:

Acknowledging receipt of circular instruction of March 27, 1899, relating to passports .

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 285.

April 24, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to acknowledge the receipt of the Department's circular instruction of date March 27th, last, relating to passports for persons residing or sojourning abroad.

I have the honor to be,

Sir,

Your obedient servant,

Joseph C. Grew

DIPLOMATIC,
MAY 26 1899
BUREAU.

UNITED STATES LEGATION,
TOKYO, JAPAN.

DIPLOMATIC,
JUL 24 1899
BUREAU.

No. 286.

April 24, 1899.

INDEX BUREAU
REC'D.
26 MAY '99
DEPT. OF STATE

Rec'd by mail
April
Acknowledged
July 29/99

Mr. Herod,

to the Secretary of State.

BUREAU OF ROLLS & LIBRARY
JUL 24 1899
DEPARTMENT OF STATE

Volumes in Library

Subject:

Supplement to Lonholm's translation of revised Commercial Code of Japan, and second edition of the same.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 286.

April 24, 1899.

Honorable John Hay,

Secretary of State ,

Washington, D.C.-

Sir:

Referring to my No. 271, of the 31st ultimo, and No.282, of the 18th instant, relating to the promulgation and date of operation of the revised Commercial Code of Japan, I have the honor to enclose herewith copy of a supplement issued by Dr. Lonholm setting forth the changes made necessary in his first translation by the action of the recent Diet, and also a copy of the second edition of Dr. Lonholm's translation of the revised Commercial Code, in which the said changes have been incorporated in the text.

I have the honor to be,

Sir,

Your obedient servant,

Joseph R. Howard

Enclosures:

Supplement to first edition of Dr. Lonholm's translation of the revised Commercial Code of Japan.

Second edition of Dr. Lonholm's translation of same.

UNITED STATES LEGATION,
TOKYO, JAPAN.

DIPLOMATIC,
MAY 26 1899
BUREAU.

No. 287.

INDEX BUREAU
REC'D.
26 MAY '99
DEPT. OF STATE

April 24, 1899.

Copy each mailed to Lib. of Congress, Nat. Museum, Phila. Commercial Museum, and Treasury Dept. May 26/99 J.

Mr. Herod ,

to the Secretary of State.

Subject:

Transmitting copies of the Regulations of the Imperial Commercial Museum of Tokyo.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 287

April 24, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to transmit herewith several copies of the Regulations of the Imperial Commercial Museum of Tokyo for such use as the Department may think fit to make of them.

I have the honor to be,

Sir,

Your obedient servant,

Joseph C. Grew

Enclosures as noted.

Filed under Legation to Japan 40 R

TELEGRAM RECEIVED.

DIPLOMATIC,

MAY 1 1899

BUREAU.

3 PM

From Wheaton Ill.

April 28, 1898.

Received 11 35 P M.

Hon John Hay,

Secy of State.

Asid granting Of. 29. Confirm by letter Advise minister Buck, Tokyo. Order May 4/99 Cable

APR 29 1899

My sixty days leave having terminated yesterday, I have the honor to request twenty four days additional leave without pay as my fathers illness makes necessary my presence here during that time for the arrangement of an important business matter

Huntington Wilson

Ans'd 4/29 granting 2 days ad
ditional without pay

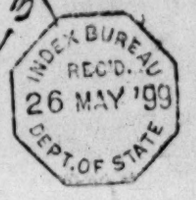
Desk by subject
expenses of removal
of wife and family
of Secretary

UNITED STATES LEGATION,
TOKYO, JAPAN.

May 1, 1899.

No. 288.

Rec'd June 3/99





Mr Buck

to the Secretary of State.

Subject:

Mr. Buck returns from leave of absence.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 288.

May 1, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to report that, taking advantage of the leave of absence for sixty days granted me by your telegram of February 17th last, on the night of March 2nd last, I left my post for Yokohama to take ship for Hongkong that night, leaving Mr. Joseph R. Herod, First Secretary, in charge. I had to leave in such haste, because of information of the ship sailing earlier than expected, that I left it to Mr. Herod to report my departsre to the Department. I returned to my post on the night of the 28th ultimo, and, on the 29th, entered again upon the discharge of my duties.

I am pleased to state that I have returned with improved health.

I have the honor to be,

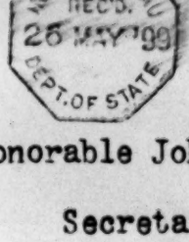
Sir,

Your obedient servant,

W. W. Rock

Mr. Branagan.

UNITED STATES LEGATION,
TOKYO, JAPAN.



May 1, 1899.



Honorable John Hay,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to enclose herewith statements of my accounts for salary and contingent expenses, with abstract and vouchers, for the quarter ending March 31, 1899; also statement of account for official telegrams for the month of March, 1899.

I have the honor to be,

Sir,

Your obedient servant,

W. W. Buck

File

Enclosures:

Statements of accounts as noted.

Cons Bureau

DIPLOMATIC,

JUL 6 1899

BUREAU.

ASSISTANT SECRETARY
MAY 26 1899
DEPARTMENT OF STATE.

UNITED STATES LEGATION,
TOKYO, JAPAN.

May, 1, 1899.

No. 289.

INDEX BUREAU
REC'D.
26 MAY '99
DEPT. OF STATE

Report -

3rd. ASST. SECRETARY
MAY 27 1899

Mr. Buck

to the Secretary of State.

See No. - July 3, 99
to Osaka + Hiogo.

Encl. Second copy of
No. 26 to Consul at
Kobe. Sy.

Dod July 8 99

Subject:

Need of A Vice Consul at Kobe.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 289

May, 1, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to state that, on my return from China, stopping at Kobe, I was made impressed with the necessity of some one being appointed who could act officially as Vice Consul there. Since the departure of Consular Clerk Hubbard Smith, who has been sent to Canton, there is no one at the Consulate other than Consul Lyon himself who can officially certify invoices or other official papers. As the office of Marshal at Kobe, now filled by Mr. Hunter Sharp, will cease to exist on July 17th next, it is desired by Consul Lyon that he be appointed Interpreter and Vice Consul. The person now acting as Interpreter at the Consulate is a Japanese who, on half his present salary, could be retained to attend to such duties as might be assigned to him. It is desired by Consul Lyon that Mr. Sharp be retained in the service and appointed Interpreter and Vice Consul at a salary of $1,500, and I understand that he will be so recommended, in which I fully concur.

I need not speak of Mr. Sharp's qualifications for the duties of Interpreter and Vice Consul after his thirteen years of service at the Consulate there, as his excellent record is well known to the Department.

I am informed by Consul Lyon that the exports and imports of Kobe, in 1898, were $8,828,888 more than those of Yokohama, and that there were, in 1898, 40,000 tons of shipping at Kobe more than at Yokohama; from which it would seem that there should be a consular force at Kobe equal to that at Yokohama.

I have the honor to be

Sir,

Your obedient servant,

Buck

Send copy to American Board of Commissioners for Foreign Missions, 14 Beacon St., Boston, Mass.

No. 29 of Dec. 1 to Secretary of State, Washington, D.C.

Rec'd June 2/99

DIPLOMATIC,
MAY 27 1899.
UNITED STATES LEGATION,
TOKYO, JAPAN.

ASSISTANT SECRETARY
MAY 26 1899
DEPARTMENT OF STATE.

INDEX BUREAU
REC'D.
26 MAY '99
DEPT. OF STATE

May 1, 1899.

Held June 2/99 C.

See 4/20/99 fr. Am Bd Comms. For Mem.

Mr. Buck

to the Secretary of State.

See letter dated April 25/99 from Am. Bd of Com. for For. Missions expressing thanks for Mem's assistance in settling this matter

C. 6/9/99

Subject:

Settlement of the Doshisha matter.

9

267 - 12.8-99

222. 5 - 3 - C

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 290.

May 1,1899.

Honorable John Hay,

Secretary of State.

Washington.

Sir:-

Referring to the letter to me of introduction of Mr. N. W. McIvor, of 8th July last, by Honorable William R. Day, then Secretary of State, informing me that Mr. McIvor was "to proceed to Japan as the representative of the American Board Commission for Foreign Missions, for the purpose of attending to its interests in trust funds invested in the Doshisha University at Kioto", and expressing the hope that he " may be successful in effecting an adoustment of the matter which will be satisfactory to all the parties in teresteo", I have the honor to report that Mr. McIvor's mission to Japan was quite successful as shown by copies of letters to me from him and the Reverend Dwight W. Learned, Mission Secretary in Japan, hereto attached.

It may be proper to state that I felt authorized, under the expressed desire of Mr. Day for the success of Mr. McIvor in his efforts in behalf of a proper adjustment of the Doshisha matter, unofficially to aid in securing the desired result so happily consummated.

I have the honor to be,

Sir,

Your obedient servant,

Enclosures:

Letters to Mr. Buck from the representatives of the Doshisha University.

With Mr. Buck's No. 290

Copy.

Yokohama, March 4, 1899.

Honorable Alfred E. Buck,

E.E. and Minister Plenipotentiary of

the United States.- Tokyo.

Your Excellency:

As you will remember I came to Japan some months ago to act, with others, as an agent of the American Board of Commissioners for Foreign Missions, an organization having its headquarters in Boston, Massachusetts, in securing some adjustment of the long-standing difficulties of the Board with the Trustees of the Doshisha University at Kyoto.

You have in part given such a patient hearing to my oral statements of the points of disagreement that I shall not bother you by making a restatement of them ------ suffice it to say that more than three hundred thousand dollars of American money had passed into the institution under the unchangeable guarantees of a Constitution providing that Christianity was to be the basis of its moral teaching. These guaranties had, as we thought, been ignored by the trustees who had redrafted their constitution in such a way as to practically exclude Christianity from the institution. Another source of difficulty was the claim made by the trustees to the complete ownership of certain mission properties, to the equitable right to which the American Board laid claim.

It now gives me great pleasure to report to you that the old Board of Trustees has resigned and the Japanese donors have joined with us in naming a new board of Christian Trustees who are now in office andin possession of the properties of the University, and charged with its management; they have reinstated the old Constitution guaranteeing the permanance of Christian principles, have passed formal resolutions recognizing that they hold all properties in trust to carry out its provisions, and recognizing our right to the use of the Mission properties for a time which is satisfatory to us and have prepared a draft adding to their constitution an article under which three of the Agents of the American Board, designated by it, will become members of the Board of Trustees as soon as the taking effect of the new treaties of Japan permits it. This result, brought about, as it has been, without litigation, is most satisfactory to us, and we wish to report it to you not only because of the kindly interest you have shewn in our efforts for justice, but because we believe that the securing of recognition of our rights has been greatly facilitated by your benevolent and patriotic interest and influence: without this assistahce it might have been difficult for us to interest Jpanese in high position in the justice of our cause: of course, the rules of diplomatic courtesy prohibited your acting officially in our behalf, but your unofficial good offices, advice and personal influence have at all times supported us, and have, as we think, been strong factors in producing a settlement without the necessity of resorting to disagreeable litigation/ which might, in the eyes of many,

have assumed an international importance.

I wish, on behalf of the American Board, on behalf of its Mission in Japan, and for myself, not only to thank you most heartily for your dignified and effective assistance, but to express our pride in the influence for good which the representative of our country has acquired in Japan.

I beg to be considered

Your excellency's obedient servant,

(Signed) N. W. McIvor, Attorney for the American Board of Commissioners for Foreign Missions.

With Mr. Buck's 290

Copy.

Kyoto, March 16th, 1899.

Hon. Alfred E. Buck,

E. E. and Minister Plen. of the United States,

Tokyo,

Your excellency,

By order of the Standing Committee of our Mission I wish to express to you our appreciation of the friendly interest which you have shewn and the assistance which you have rendered in the settlement of the Doshisha problem which now has arrived at a satisfactory solution. While neither the American Board nor the Mission had any desireto control the institution into which so many thousand dollars had been placed, we could not sit idly by and see the perversion of these funds by the lawless mutilation of the unchangeable provisions of the constitution which made Christianity the foundation of the moral education of the school.

Of course we could not ask nor expect that you would interfere officially in such a matter, but we thank you warmly for the unofficial good offices which you have rendered us in various ways, and which have, we believe, materially contributed to the bringing of this affair to a peaceful and satisfactory settlement.

Your unofficial advice and sympathy have at all times encouraged us, and no doubt they have had much to do with the successful result. We make bold to feel that the magnitude of the interests involved and the large number of people in America who are interested in this enterprise of Christian

benevolence have justified you in giving us the sympathy and help which you have so generously done, and we trust that it has also served as a lesson to the Japanese in the sacredness of trusts. This is so well known to you that we are sure that you rejoice with us in the settlement which has been reached as well as in the fact that it was reached without resort to litigation.

As American citizens we rejoice that the representative of our country has so great an influence with the Japanese and that he has improved this opportunity to use it for the right and to help the Japanese to understand the importance of maintaining inviolate the sacred obligations of trusts

On behalf of the Mission, therefore, I beg to extent to you our most hearty thanks for your assistance in this matter, and to convey to you our most hearty good wishes for your health and welfare.

Your obedient servant,

(Signed) Dwight W. Learned

Mission Secretary.

DIPLOMATIC,
MAY 26 1899
BUREAU.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 291.

INDEX BUREAU
REC'D.
26 MAY '99
DEPT. OF STATE

May 1, 1899.

Mr. Buck,

to the Secretary of State.

Subject:

Transmitting translation of pension laws of Japan.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 291.

May 1, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.

Sir:

Referring to your circular instruction of date the 31 January, last, directing me to furnish the Department with information relating to the pension (other than civil) laws of Japan, I have the honor to enclose herewith translation copy of the more important laws and regulations relating to pensions, prepared from originals furnished by the Minister of Foreign Affairs of the Japanese Government.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

Enclosure:

Translation copy of principal pension law and regulations of Japan.

May 9. 99.

UNITED STATES LEGATION,
TOKYO, JAPAN.

DIPLOMATIC,
JUN 3 1899
BUREAU.

INDEX BUREAU
REC'D.
8 JUN '99
DEPT. OF STATE

No. 292.

I the President
for the Senate
Jan 17 1900

Mr. Buck,

to the Secretary of State.

Subject:

Transmitting tables with pension laws.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 292.

May 9, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir,

Referring to my No. 291, of the 1st instant, transmitting translations of the principal pension laws and regulations of Japan, I have the honor to enclose herewith tables for determining the amount of pension or bounty in any given case, and also a table showing the aggregrate annual expenditure of the Japanese Government on account of pensions etc.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

Enclosures:

Tables as noted.

No. 293.

UNITED STATES LEGATION,
TOKYO, JAPAN.

ASSISTANT SECRETARY
JUN 3 1899
DEPARTMENT OF STATE.

May 10, 1899.

INDEX BUREAU
RECD.
3 JUN '99
DEPT. OF STATE

DIPLOMATIC,
JUN 7 1899
BUREAU.

Mr. Buck

to the Secretary of State.

June 9/99

Subject:

Recommendation that John Kelly, a convict, be conditionally pardoned.

No. 293.

UNITED STATES LEGATION,
TOKYO, JAPAN.

May 10,1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

The conclusion of the Consular Convention with Japan, proposed by your instruction No. 197, of date of February 2 last, having failed for reasons given in my despatch No. 281 of March 2, I have the honor to recommend that John Kelly, convicted of manslaughter in the Consular Court at Nagasaki, and sentenced to seven years imprisonment at hard labor, who is now confined in the consular jail at Yokohama, be given a conditional pardon, or rather a commutation of sentence, to three years in some penitentiary in the United States, upon his consenting thereto.

In my opinion, Kelly, now of some seventy years of age, would be adequately punished by serving a much shorter term of imprisonment than seven years for the offense committed by him and, upon inquiry, I am informed by Consul General Gowey at Yokohama, in whose custody Kelly now is, that he will consent to and accept the conditions of such executive clemency.

It appears quite clear to me that under the stipulations of our treaty with Japan, Kelly could not be imprisoned lawfully and held under custody of the United States in this country longer than up to July 17 next, when the new treaty is to go into effect, even

UNITED STATES LEGATION,
TOKYO, JAPAN.

even should the Japanese Government consent. The Japanese authorities, however, in view of the statement made to me by the Minister of Foreign Affairs and mentioned in my despatch No. 261 of March 2 last, upon request, would be willing, probably, to assume the custody of Kelly until the United States could arrange for his removal from the country.

In my view of the situation in respect to this case, and the fact that Kelly is the only United States prisoner, to my knowledge, now undergoing sentence in Japan, and that, perhaps, on July 17 next, there will be no others, and, in view of the proceedings had in the case of John Martin Ross, convicted of murder and sentenced to death by the Consular General Court at Yokohama in 1880, who was conditionally pardoned by the President- Ross accepting the terms offered-and who was taken to the penitentiary at Albany, New York, to serve a life sentence, I have thought it proper to make the recommendation that a similar course be taken in this case of Kelly.

The President's conditional pardon of Ross was dated August 6, 1880, as appears of record here in an instruction from the Department of State to Mr. Bingham No. 526, of August 10,1880, to which reference is respectfully made.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rock

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 294.

DIPLOMATIC
JUN 5 1899
BUREAU

ASSISTANT SECRETARY
JUN 3 1899
DEPARTMENT OF STATE.

INDEX BUREAU
REC'D.
3 JUN '99
DEPT. OF STATE

May, 11, 1899.

June 7/99

Mr. Buck

to the Secretary of State.

Subject:

Claim of the Pacific Mail Steamship Company against the Japanese Naval Department.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 294.

May 11, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to enclose herewith copy of a note addressed by Mr. Herod while acting as Chargé d'Affaires to Viscount Aoki, H.I.J.M. Minister for Foreign Affairs, with reference to a claim made by the Pacific Mail Steamship Company against the Japanese Naval Department for damages sustained by the steamer "City of Peking" as the result of a collision with the Japanese man-of-war "Amagi Kan".

From the reports of the officers in the service of the Pacific Mail Steamship Company, it appears that the man-of-war was approaching the "City of Peking" head on, while under steam and sail running before the wind, and that either an insufficient lookout was kept or the vision of those on board the man-of-war was obscured by smoke that hung over the vessel. However, aside from the cause for her so doing, it is claimed that the Japanese vessel altered her course several times just before the collision, and that the Pacific Mail steamer observed throughout the Rules for the Prevention of Collisions at Sea.

No reply to Mr. Herod's note has as yet been received.

I have the honor to be,

Sir,

Your obedient servant,

W. W. Rockhill

Enclosure:

Mr. Herod to Viscount Aoki, March 31, 1899.

Enclosure with Mr. Buck's No. 294.

(COPY.)

No. 129.

Legation of the United States,

Tokyo, March 31,1899.

His Excellency

Viscount Aoki Shuzo,

His Imperial Japanese Majesty's

Minister for Foreign Affairs.

Sir:-

Referring to yesterday's conversation, I have the honor to enclose herewith to Your Excellency copies of reports of a number of officials of the Pacific Mail Steamship Company in re the collision between the S.S. "City of Peking" and the Japanese man-of-war "Asagi Kan", which took place on the evening of January 15th last, in the Kii Channel near Kobe, together with a claim of the Pacific Mail Steamship Company for Yen 11,994.80, the amount expended, as shown by detailed account, in repairing the damages sustained by its vessel.

As from the report of the commander of the "City of Peking" the identity of the colliding vessel was in doubt, immediately upon receipt of the first communication from the Pacific Mail Company's agent at Yokohama, I reported the news of the collision to the Private Secretary to the Minister of Marine, who, on January 27th, informed me by letter that the man-of-war was, as suspected, the "Asagi Kan", and that the Chief of the Yokosuka Naval Station had appointed a committee to determine the cause of the accident.

The statement of the commander of the "Peking" sets out that the "Asagi Kan" was at fault in constantly altering her course just prior to the collision, while the Pacific Mail steamer observed throughout the Rules for the Prevention of Collisions

Collisions at Sea; and, if an impartial investigation shows these to be the facts, I rely upon the fairness of Your Excellency's Government to reimburse the Pacific Mail Steamship Company for all the losses which it has sustained.

I avail myself etc.

(Signed.) Joseph R. Herod.

DIPLOMATIC,
JUN 5 1899
UNITED STATES LEGATION,
TOKYO, JAPAN.
BUREAU.

ASSISTANT SECRETARY
JUN 3 1899
DEPARTMENT OF STATE.

No. 295.

May 12, 1899.

INDEX BUREAU
REC'D.
3 JUN '99
DEPT. OF STATE

Acker June 7/99

Mr. Buck

to the Secretary of State.

Subject:

Attitude of the Japanese Government towards the situation in the Philippine Islands.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 295.

May 12, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

In addition to what I have stated in previous despatches concerning the attitude of the Japanese Government and people in respect to the contest now going on in the Philippine Islands, I have the honor to state, as an incident worthy of mention, perhaps, that, in an incidental conversation yesterday with Viscount Aoki, Minister of Foreign Affairs, upon our troubles there, he seemed much interested, and, in expressing the hope that our forces would be able soon to bring the people into submission, stated that the Japanese military officer now with our forces had been approached by some Philippinos who expressed a great desire that his, (the Japanese), Government use its good offices in bringing about a better understanding between the belligerents. In remarking upon this the Minister said that he did not think anything in this direction should be considered now, and at no time, unless my Government should see proper to suggest it; and that if, at any time, it should be desired, his Government would be willing to aid in the matter in any way it could. I thanked him for his kind expressions, making no further response to these suggestions.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

File

SOLICITOR'S OFFICE
JUN 29 1899

ASSISTANT SECRETARY
JUN 15 1899
DEPARTMENT OF STATE.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 296

INDEX BUREAU
RECD.
14 JUN '99
DEPT. OF STATE

May 22, 1899.

Mr. Buck

to the Secretary of State.

Subject:

Questions arising on the abolition of consular jurisdiction.

No. 296

UNITED STATES LEGATION,
TOKYO, JAPAN.

May 28,1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

Referring to previous despatches in respect to a Consular Convention between the United States and Japan, to determine what shall be done with cases pending in our consular courts, and with United States prisoners, if any, when our consular jurisdiction shall cease, I have the honor to enclose herewith a copy of a Protocol concluded with the Japanese Government by the British Minister, which the latter has kindly sent to me, from which it appears that he was able to obtain a concession in respect to one thing only,-the continuation of consular jurisdiction over cases pending on July 16th next. He endeavored without success to obtain, among other things, concessions for the continuance of consular jurisdiction to the extent of holding British prisoners, who may be undergoing sentence in confinement on July 16th, till the expiration of their terms of sentence, and also the right of his consular officers to enforce judgments and decrees of their courts pronounced on or before that date and unsatisfied at that time.

I am informed that the Belgian, French and Italian Ministers are now engaged in concluding protocols with the Japanese Government,

No. 296

UNITED STATES LEGATION,
TOKYO, JAPAN.

May 28,1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

Referring to previous despatches in respect to a Consular Convention between the United States and Japan, to determine what shall be done with cases pending in our consular courts, and with United States prisoners, if any, when our consular jurisdiction shall cease, I have the honor to enclose herewith a copy of a Protocol concluded with the Japanese Government by the British Minister, which the latter has kindly sent to me, from which it appears that he was able to obtain a concession in respect to one thing only,-the continuation of consular jurisdiction over cases pending on July 16th next. He endeavored without success to obtain, among other things, concessions for the continuance of consular jurisdiction to the extent of holding British prisoners, who may be undergoing sentence in confinement on July 16th, till the expiration of their terms of sentence, and also the right of his consular officers to enforce judgments and decrees of their courts pronounced on or before that date and unsatisfied at that time.

I am informed that the Belgian, French and Italian Ministers are now engaged in concluding protocols with the Japanese Government,

Government, granting the same concession in respect to cases pending in their respective consular courts, as obtained by the British Minister.

The French Treaty with Japan, as already cited in Mr. Herod's No. 289, of date March 23,1899, does not go into operation till August 4th, and the British Minister informs me that he hopes to have the date fixed for the operation of the British Treaty postponed to the later date, ~~while~~ the postponement, under the terms of the Treaty, can be made by proclamation of the Emperor, amending the notification as to the operation of the treaties made on July 16th,1898. The question arises whether, under the stipulations of our Treaty, such a proclamation of the Emperor would continue, likewise, in respect to consular jurisdiction, or in any respect, the operation of our Treaty to August 4th, or, even if it would, whether such an Imperial sanction could properly be suggested. I think not.

In respect to the execution of judgments and decrees of our consular courts, and the holding of prisoners, if any, undergoing sentence on July 16th next, might it not rightly be contended that it will be the duty of the Japanese Courts to carry into execution all such decrees and judgments and hold all such prisoners during the terms for which they may be sentenced, upon the ground that our consular courts are quasi-Japanese courts, and that when they no longer can exercise jurisdiction over our citizens, the Japanese courts take their place to carry into execution all judgments remaining unexecuted.

The last line of Article XVIII of our new Treaty, following the

the provision that "such jurisdiction shall absolutely and without notice cease and determine" declares that, "thereafter, all such jurisdiction shall be assumed and exercised by Japanese courts"- their courts, by implication at least, taking over all prisoners and assuming the execution of all judgments and decrees unsatisfied, as though such prisoners were sentenced by their own courts, and such unexecuted judgments and decrees were pronounced by them.

Awaiting instructions in respect to the questions above raised,

I have the honor to be,

Sir,

Your obedient servant,

Enclosure:

Copy of British Protocol.

Enclosure with No. 296.

Copy

P R O T O C O L .

The Government of Her Majesty the Queen of Great Britain and Ireland, Empress of India, and the Government of His Majesty the Emperor of Japan, considering it desirable, in the interest of the good administration of justice, that provision be made for the exercise of jurisdiction in cases pending in British courts in Japan when the Treaty of Commerce and Navigation, concluded between Great Britain and Japan on the 16th day of July 1894, comes into force, have agreed as follows;

The jurisdiction of British courts in Japan, in respect of cases and proceedings, both civil and criminal, actually pending in such courts when the said Treaty of Commerce and Navigation comes into force, shall be continued until final decision.

IN Witness whereof the Undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary and His Imperial Japanese Majesty's Minister of State for Foreign Affairs, having been duly authorized for that purpose by their respective Governments, have signed the present Protocol and affixed thereto their seals.

Done in duplicate at Tokio this 3rd day of May 1899.

(L. S.) Ernest Satow (signed.)

(L. S.) Vicomte Aoki (signed.)

UNITED STATES LEGATION,
TOKYO, JAPAN.

May 22" /99.

DIPLOMATIC,
JUN 14 1899
BUREAU.

No. 297.

INDEX BUREAU
REC'D.
14 JUN '99
DEPT. OF STATE

Mr. Buck,

to the Secretary of State.

Subject:

Acknowledging receipt of instruction No. 219, relating to cases pending in Consular Courts July 17, 1899.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 297.

May 22, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to acknowledge receipt of your instruction No. 219, of date the 12th ultimo, enclosing for my information copy of an instruction sent to each of the Consuls of the United States in Japan, urging upon them the necessity of disposing of all cases pending in the Consular Courts before July 17, 1899, when consular jurisdiction ceases, and directing them to report fully to the Legation all pending cases, together with the facts connected with each.

Upon receipt of the reports from the Consuls I will make communication to the Department as instructed.

I have the honor to be,

Sir,

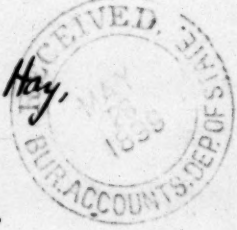
Your obedient servant,

W. E. Buck

Filed under U.S. Legation to Japan

Wheaton, Illinois,

May 22nd, 1899.



The Honorable John Hay,
Secretary of State,
Washington.

Sir:

I have the honor to report my departure today for my post in Japan, the twenty-four days' additional leave without pay granted me by your telegram of the 28th ultimo having terminated yesterday.

Availing myself of this opportunity to express my thanks and high appreciation of your kindness in granting the extension of leave I desired

desired,

I have the honor to be,
Sir,
Your obedient servant,
Huntington Wilson.

File

JUL 3 1899
BUREAU.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 298

May 26, 1899.

INDEX BUREAU
RECD.
3 JUL '99
DEPT. OF STATE

Mr. Buck,

to the Secretary of State.

Subject:

Acknowledging receipt of instruction to claim for American citizens all privileges enjoyed by French citizens under treaty, from July 17th to August 4th next.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. No. 298

May 26, 1899.

Honorable John Hay,

Secretary of State,

Washington, D. C.

Sir:-

I have the honor to acknowledge the receipt of your instruction No. 223 of April 25th stating that the Department concurs in the view set forth in Mr. Herod's No. 269 of March 23rd last, relating to the rights of French citizens from July 17th to August 4th next, under their treaty, and directing me to bring the matter to the attention of the Japanese Government, claiming for American citizens all privileges of trade and navigation that will be enjoyed by French citizens during the period named.

I will present the matter to the Japanese Minister of Foreign Affairs at the first opportunity.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

UNITED STATES LEGATION,
TOKYO, JAPAN.

DIPLOMATIC,
JUL 3 1899
BUREAU.

No. 299

INDEX BUREAU
REC'D.
3 JUL '99
DEPT. OF STATE

May 26, 1899.

Herewith and
Copy to Hon. Black A. Severson, M.C.
July 8/99
C

Mr. Buck,

to the Secretary of State.

Subject:

Acknowledging receipt of instruction relating to the American trade in tobacco with Japan.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 299.

May 26, 1899.

Seen Kerr 7/1/99
from C. W. Swan

Honorable John Hay,

Secretary of State,

Washington, D.C.

Sir:-

I have the honor to acknowledge the receipt of your instruction No. 225 of April 29th last enclosing copy of a letter from the Honorable Claude A. Swanson with respect to matters affecting American trade in tobacco with Japan and directing me to make such enquiry and suggestions in the proper quarter as could be consistently done.

In reply I beg to state that I have already had an interview with the Minister of Finance of the Japanese Government on the subject of tobacco and learn that the Government monopoly in that article is an accomplished fact already, but that the methods of purchase of tobacco by the Government has not yet been determined,-- whether in the open market or through agents stationed abroad. In any case it seems assured that the tobacco needed by the Government will be largely purchased in or from the United States.

I will continue to give this matter my attention and take such further steps in the line of the instructions of the Department as opportunity may afford.

I have the honor to be,

Sir,

Your obedient servant,

W. W. Buck

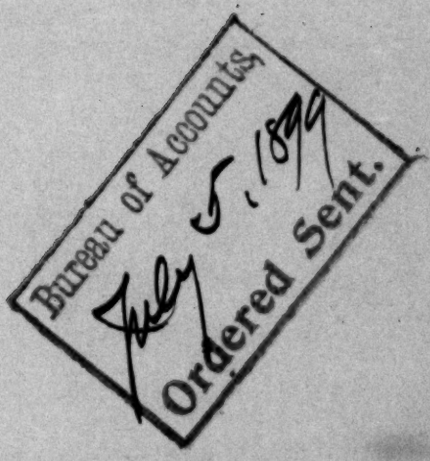
UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 300.

May 27,1899.







Mr. Buck

to the Secretary of State,

Subject:

Requesting renewal of subscriptions for "New York Tribune" and "San Francisco Chronicle".

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 300.

May 27, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to request that the Legation's subscriptions to the "New York Tribune" and the "San Francisco Chronicle", which expire on June 30th next, may be renewed for the coming fiscal year.

I have the honor to be,

Sir,

Your obedient servant,

E. Buck

DIPLOMATIC,

JUL 6 1899

BUREAU.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 391.

ASSISTANT SECRETARY
JUL 5 1899
DEPARTMENT OF STATE.

June 6, 1899.

INDEX BUREAU
REC'D.
3 JUL 99
DEPT. OF STATE

Mr. Buck

to the Secretary of State.

Subject:

Protection of Native Inhabitants of Cuba and Puerto Rico.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 301.

June 8,1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge the receipt of the Department's Circular Instruction, of date May 2,1899, entitled "Protection to Native Inhabitants of Cuba and Puerto Rico in Foreign Countries".

The instructions set forth in the circular will be carefully followed.

I have the honor to be,

Sir,

Your obedient servant,

A E Buck

ASSISTANT SECRETARY
JUL 5 1899
DEPARTMENT OF STATE.

DIPLOMATIC
UNITED STATES LEGATION,
TOKYO, JAPAN.
JUL 6 1899
BUREAU.

INDEX BUREAU
REC'D.
3 JUL 99
DEPT. OF STATE

No. 302.

June 6, 1899.

Mr. Buck

to the Secretary of State,

Subject:

Thanks of the American Board of Commissioners for Foreign Missions for assistance in settlement of the Doshisha Case.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 302.

June 6,1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge the receipt of your instruction No. 227, of date May 3,1899, enclosing for my information copy of a letter from Mr. James L. Barton, Foreign Secretary of the American Board Commissioners for Foreign Missions, expressing the thanks of the Board for the services rendered by myself and Mr. E. S. Miller, Interpreter of the Legation, in assisting to bring about the settlement outside of the courts of the Board's claim to certain property in Japan.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

UNITED STATES LEGATION,
TOKYO, JAPAN.

File

No. 303.

DIPLOMATIC,
JUL 3 1899
BUREAU.

June 6, 1899.

INDEX BUREAU
REC'D.
3 JUL 99
DEPT. OF STATE

Mr. Buck

to the Secretary of State.

Subject:

Mr. Huntington Wilson, Second Secretary of Legation, granted an extension to his leave of absence.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 303.

June 8, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge the receipt of your instruction No. 228, of date May 4, 1899, informing me that Mr. Huntington Wilson, Second Secretary of this Legation, owing to the illness of his father, had been granted an extension of the leave of absence which he is now enjoying in the United States, such extension to begin on April 28, 1899.

I have the honor to be,

Sir,

Your obedient servant,

Alvey A. Adee

DIPLOMATIC,
JUL 3 1899
BUREAU.

File

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 304.

June 6, 1899.

INDEX BUREAU
REC'D.
3 JUL 1899
DEPT OF STATE

Mr. Buck

to the Secretary of State.

Subject:

Advance sheets of Consular Reports containing translations of Japanese copy right and trade mark laws received.

No: 304.

UNITED STATES LEGATION,
TOKYO, JAPAN.

June 6,1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge the receipt of your instruction No. 229, of date May 4,1899, enclosing three copies of No. 415 of "Advance Sheets of Consular Reports" for May 8,1899, giving publicity to the Japanese laws of trademarks and copyrights.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

DIPLOMATIC,
JUL 5 1899
UNITED STATES LEGATION,
BUREAU TOKYO, JAPAN.

No. 44

INDEX BUREAU
REC'D.
3 JUL '99
DEPT. OF STATE

Sent 1 copy of Report to Commissioner of Education with note to our Library. 7/99c
Sent on July 7 S.W.S.

June 6, 1899.

Mr. Buck,

to the Secretary of State.

Subject:

Transmitting latest educational report of Japanese Government.

UNITED STATES LEGATION,
TOKYO, JAPAN.

#

June 6, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to transmit herewith, under separate cover, two copies of the latest published report of the Department of Education of the Japanese Government.

I have the honor to be,

Sir,

Your obedient servant,



Enclosure:

Educational report as noted.

DIPLOMATIC,
JUL 3 1899
BUREAU.

UNITED STATES LEGATION,
TOKYO, JAPAN.

June 6, 1899.

No. 305.

INDEX BUREAU
REC'D.
3 JUL '99
DEPT. OF STATE

Ack. to approve U.S.
Sent 8 July 1899

Mr. Buck,

to the Secretary of State.

Subject:

Intention to spend heated term at Lake Chusenji.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 305.

June 6, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to inform you that, in order to avoid as much as practicable the intense heat of Tokyo, it is my intention to reside some two months, beginning early in July, at Lake Chusenji, a mountain resort about ninety miles distant, which place has telegraphic communication with Tokio and railroad communication to within a few miles,- six trains daily.

By remaining in this city, as I have for the last two summers, my health has been impaired and I find it necessary to go to the mountains during the heated term, where (Lake Chusenji) nearly all the members of the Diplomatic Corps spend their summer.

During my absence the Legation will be open for the transaction of business with one of my secretaries in constant attendance, and I shall return frequently to attend to any official matters requiring my presence here, observing in all respects the requirements as stated in Sec. 266 of Instructions to Diplomatic officers.

I have the honor to be,

Sir,

Your obedient servant,

W. W. Rockhill

DIPLOMATIC,
JUL 3 1899
BUREAU.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 346.

June 8, 1899.

Rec'd. thro' Dept. to Library. S.S.

Sent to S.S. July 7/99

INDEX BUREAU
REC'D.
3 JUL 99
DEPT OF STATE

Mr. Buck

to the Secretary of State.

Subject:

Second volume of the Civil Code of Japan.

No. 306.

UNITED STATES LEGATION,
TOKYO, JAPAN.

June 8,1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to forward to the Department under separate cover the second volume of Mr. J. H. Gubbins' translation of the Civil Code of Japan, wtich contains an introductory essay on the Japanese Family System and an index to the whole Code.

I have the honor to be,

Sir,

Youb obedient servant,

E. C. Buck

DIPLOMATIC,
JUL 11 1899
BUREAU.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 307.

INDEX BUREAU
REC'D
10 JUL '99
DEPT. OF STATE

June 12, 1899.

To War
July 11

Mr. Buck,

to the Secretary of State.

Subject:

Reported shipment of arms to Philippine insurgents from Tokio.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 307

June 12, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to enclose herewith copy of a telegram from United States Consul General Wildman of HongKong in respect to the report of an $80,000.- shipment of arms from Tokio to the Island of Luzon, via Formosa.

During the last six months so many rumors of sales and shipments of arms to the Philippine Insurgents from Japan having come to me and, during my recent visit to various ports in China, having found that such rumors were rife there and given more or less credence, on the receipt of Consul General Wildman's telegram I thought it proper to submit it to the Japanese Minister of Foreign Affairs, with the request that an investigation be made to set at rest such rumors and reports, if without foundation as I believed them to be, and as in previous conversations with him and other Japanese officials I had been assured that they must be.

The Minister of Foreign Affairs has now informed me that such an investigation has been made by competent authorities at his instance and has assured me that the report in question has no foundation whatever.

Under the stringent laws and regulations of Japan in respect to sale of arms, such sale of arms, or their shipment, could hardly be made without the knowledge of the Japanese authorities, and I am confident, not only from the result of the

the investigation instituted by the Minister of Foreign Affairs but also from the assurances I have heretofore received in respect to previous rumors, that no arms or other munitions of war have been furnished at any time or under any circumstances will be furnished by Japanese to the Philippine Insurgents.

The Minister of Foreign Affairs, as also other high officials , as well as the Japanese people in general, are still in sympathy with the United States in her efforts to establish her authority in the Philippine Islands as they have been from the first, if their public and private declarations can be believed and so far as any known act on their part has yet shown.

I have the honor to be,

Sir,

Your obedient servant,

W. W. Buck

Enclosure:

Telegram, Mr. Wildman to Mr. Buck, May 18,1899,- copy.

Enclosure with Mr. Buck's No. 307.

Telegram, Mr. Wildman to Mr. Buck, May 18, 1899, - copy.

HongKong, May 18, 1899.

Buck, Tokio.

Reported 80,000 dollar shipment insurgent arms departed Tokio last week for Luzon via Formosa.

WILDMAN.

DIPLOMATIC,
JUL 11 1899
UNITED STATES LEGATION,
TOKYO, JAPAN.
BUREAU.

ASSISTANT SECRETARY
JUL 10 1899
DEPARTMENT OF STATE.

No. 308.

June 16, 1899.

INDEX BUREAU
REC'D.
10 JUL '99
DEPT. OF STATE

July 22/99

Mr. Buck

to the Secretary of State.

Subject:

Privileges granted to American citizens up to the date of operation of the Franco-Japanese Treaty.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 308.

June 16,1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

Referring to your instruction, No. 223 of April 25th last, in respect to the treatment of American citizens in Japan in all that concerns commerce and navigation between July 17th and August 4th,- the date the French Treaty takes effect-, directing that the matter be brought to the attention of the Japanese Government and the claim be made to all privileges of trade and navigation for American citizens that will be enjoyed by French citizens after July 17th and up to August 4th next, I have the honor to inform you that, yesterday in an interview with the Japanese Minister for Foreign Affairs upon that subject, I learned that the Japanese Cabinet had already had this matter under consideration and have concluded that all such privileges should be granted to American citizens.

I have the honor to be,

Sir,

Your obedient servant,

J E Buck

File

DIPLOMATIC,
JUL 10 1899
BUREAU.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 309.

INDEX BUREAU
REC'D.
10 JUL '99
DEPT. OF STATE

June 16, 1899.

Mr. Buck,

to the Secretary of State.

Subject:

Report on coinage and currency of Japan sent to Director of the Mint.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 309.

June 16, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

Referring to your circular instruction of date February 2nd, last, directing me to procure certain information relating to the coinage and currency of Japan for the year 1898, for the use of the Director of the Mint, I have the honor to inform you that I am sending by this mail a report on the subject to Honorable George E. Roberts, direct, as instructed by the Department.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

DIPLOMATIC,

AUG 2 1899

No. 370 BUREAU.

UNITED STATES LEGATION,
TOKYO, JAPAN.

[F.R. 1899] JUL 26 1899

2D ASSISTANT SECRETARY.
Send to Mr. Bacon to print
Acknowledge copies of Mr. Buck.

June 17, 1899.

INDEX BUREAU
REC'D.
26 JUL '99
DEPT. OF STATE

PRINTED IN ADVANCE SHEETS NO. 492

Mr. Buck

to the Secretary of State.

Mailed 3 copies of Advs. Sheets No 492 to Hay 26/99

Subject:

Operation of Japan's new treaties.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 310.

June 17, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to enclose herewith translation of an Imperial Ordinance, dated the 14th instant, bringing into operation the new Treaties between Japan and other powers.

It will be observed that the French and Austrian-Hungarian do not come into operation until August 4th next, while all the others take effect on July 17th.

I have the honor to be,

Sir,

Your obedient servant,

Enclosure:

Translation of Imperial Ordinance as above.

Enclosure with Mr. Buck's dis. 310.

We hereby sanction the enforcement of the conventions of Commerce and Navigation promulgated on Aug. 27th. 1894 and other conventions and promulgate the same.

His Imperial Majesty's
Sign and Seal.

Marquis Yamagata Aritomo
Premier.
Viscount Aoki Shuzo.
Minister for Foreign
Affairs.

June 14th. 1899.

Imperial Ordinance No. 281.-

The Convention of Commerce and Navigation promulgated on Aug. 27th. 1894; the Convention of Commerce and Navigation promulgated on Aug. 16th. 1895; the Convention of Commerce and Navigation promulgated on Sept. 10th. 1895; the Convention

of Commerce and Navigation promulgated on May 18th. 1896; the Convention of Commerce and Navigation promulgated on Nov. 19th. 1896; the Convention of Commerce and Navigation promulgated on Dec. 28th. 1896; the Convention of Commerce and Navigation promulgated on May 22nd 1897, the Convention of Commerce and Navigation and the Convention of Amity, Residence and Commerce promulgated on Sept. 15th 1897 and the Convention of Amity and Commerce promulgated on Sept. 16th. 1897 shall be enforced on and after July 17th. 1899. The Convention of Commerce and Navigation promulgated on March 30th. 1898, and the Convention of Commerce and Navigation promulgated on Sept. 9th. 1898, shall be enforced on and after Aug. 4th. 1899.

UNITED STATES LEGATION,
TOKYO, JAPAN.

2D ASSISTANT SECRETARY,
Send to Mr. Emory to print
Ack sending copies of adv. Sheets.
[F.R. 1899.] JUL 26 1899

June 20.

No. 311.

INDEX BUREAU
REC'D.
26 JUL '99
DEPT. OF STATE

DIPLOMATIC,
AUG 12 1899
BUREAU.

Aug. 7/99. Mailed 1st copies of these advance sheets to the Minister.
S. T. C.
Aug. 7/99

PRINTED IN ADVANCE SHEETS NO. 501.

Mr. Buck,

to the Secretary of State.

Subject:

Translations of important ordinances.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 311.

June 20, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir :

I have the honor to enclose herewith translations in duplicate of important ordinances prepared by Dr. Lonholm for the local papers.

I have the honor to be,

Sir,

Your obedient servant,

W. E. Buck

Enclosures:

Clippings from "Japan Daily Mail" and "Japan Daily Gazette" of the 17th June, 1899.

Enclosure with Mr. Buck's No. 311.

The Japan Daily Mail.

YOKOHAMA. SATURDAY, JUNE 17, 1899.

ORDINANCES IMPORTANT FOR FOREIGNERS.

We have been favoured with the following translation by Dr. Lönholm of two important ordinances published in the *Official Gazette* yesterday:

I.

Imperial Ordinance, No. 272 of June 15th, 1899, relating to branch offices of foreign commerial companies and to commercial companies and associations established by foreigners.

1.

A foreign commercial company* which has set up a branch office in Japan before the taking effect of the Commercial Code, must within six months from its taking effect register such fact according to the provisions of Art. 255 of the Commercial Code and appoint a representative in Japan and register his name and domicile.

The provisions of Art. 257 of the Commercial Code and of Art. 202 of the Law concerning Non-Contentious Matters apply correspondingly to such foreign companies.

2.

A commercial company formed by foreigners in Japan before the taking effect of the Commercial Code must within six months from its taking effect make a company contract in accordance with the provisions of the Commercial Code, and register the formation of the company.

3.

If a commercial company acts in contravention of the provisions of Art. 2, the court may on the application of the public procurator or of its own motion order the dissolution of the company,

The order of dissolution must be published in the same manner as registered facts are published.

In the afore-mentioned case the provisions of Arts. CXXVI, 1, CXXXIV, 1 and 2, and CXXXV of the Law concerning Non-Contentious Matters apply correspondingly.

4.

As to commercial companies formed by foreigners in Japan before the taking effect of the Commercial Code, the legal relations which will arise before the registration is made according to the provisions of Art. 2, or before an order of dissolution has become finally binding, are governed by the law of the country to which the company belonged before.

5.

An association‡ formed by foreigners in Japan before the taking effect of the Commercial Code, which has property of its own, must within six months from the taking effect of the Commercial Code change its organization into that of some kind of commercial company recognized by the Commercial Code.

The provisions of the preceding two articles apply correspondingly to such an association.

ADDITIONAL PROVISIONS.

This Ordinance takes effect from the day when the Commercial Code takes effect.

II.

Imperial Ordinance No. 273, of June 15th, 1899, concerning Foreign Insurance Companies.

1.

If a foreign commercial company establishes an agency in Japan to carry on the business of insurance, it must appoint a representative in Japan.

The provisions of Art. 62 of the Commercial Code apply correspondingly to such representative.

2.

The foreign company must notify the Government of the name and domicile of its representative in Japan.

3.

The provisions of Art. 95 and 97-101 of the Law concerning the Operation of the Commercial Code apply correspondingly to foreign insurance companies.

4.

If it appears to the Government that the continuance of the business of a foreign insurance company is endangered, or if the foreign company acts in contravention of an order of the Government, the Government may order that the prosecution of the business be suspended or the representative be removed.

5.

Whenever a foreign insurance company makes an inventory and a balance-sheet, it must without delay submit it to the Government together with a business report, an account of profits and losses and its proposals as to the distribution of the profits.

6.

A foreign insurance company which has set up a branch office or an agency in Japan before the taking effect of the Commercial Code, must within six months from its taking effect obtain the permission of the Government.

The provisions of Art. 95, 2 of the Law Concerning the Operation of the Commercial Code apply correspondingly to such foreign companies.

The provisions of Arts. CXXVI, 1, CXXXIV., 1 and 2, and CXXXV. of the Law Concerning Non-Contentious Matters apply correspondingly when a foreign insurance company is forbidden to carry on its business.

7.

The provisions of Arts. 1, 2, 4 and 5 of this law and of Arts. 98-101 of the Law Concerning the Operation of the Commercial Code apply correspondingly to foreign insurance companies which have established a branch office or an agency in Japan before the taking effect of the Commercial Code.

ADDITIONAL PROVISIONS.

This Ordinance takes effect from the day when the Commercial Code takes effect.

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* Kwaisha, including partnerships, see Dr. Lönholm's translation of the Commercial Code, page 12.

‡ Kumiai. This means associations for business purposes only, not clubs, etc.

PRINTED IN ADVANCE SHEETS NO. 501 } Six copies mailed to the Minister, Aug 1st/99

2D ASSISTANT SECRETARY,
Mr. Cuney?
Beh.
[For. Rels. 1899.] ads
JUL 26 1899

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 312

INDEX BUREAU
REC'D.
26 JUL '99
DEPT. OF STATE

June 23, 1899.

DIPLOMATIC,
AUG 12 1899
BUREAU.

Mr. Buck,

to the Secretary of State.

Subject:

Translation of new regulations of diplomatic and consular service.

UNITED STATES LEGATION,
TOKYO, JAPAN,

No. 312.

June 23, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to enclose herewith translations of revised regulations relating to diplomatic and consular officers of the Japanese Government, promulgated in the Official Gazette of the 20th instant.

I have the honor to be,

Sir,

Your obedient servant,

Enclosure:

Translation of diplomatic and consular regualtions as above.

Enclosure with Mr. Bucks No. 312.

Imperial Ordinance
No. 280 –
Official Regulations for Diplomatic Officials and Consuls.

Article I. Diplomatic officials here referred to include Ministers Plenipotentiary, Ministers Resident, 1st Class Secretaries of Legation, 2nd Class Secretaries of Legation, 3rd Class Secretaries of Legation, and Assistant Diplomatic Officials.

Article II. Ministers Plenipotentiary and Ministers Resident belong to the Chokunin[X] rank; 1st, 2nd, and 3rd Class Secretaries of Legation and Assistant Diplomatic Officials belong to the Sōnin[*] rank

Article III. Consuls here referred to include Consuls-General, Consuls, Vice-Consuls and Assistant

---

X Appointed by the Emperor.

* Appointed by the Cabinet.

Consuls.

Article IV. Consuls-General, Consuls, Vice-Consuls, and Assistant Consuls belong to the Sōnin rank.

Article V. In places where no diplomatic official is located, diplomatic Agents can be appointed.

The business of diplomatic Agents is to be conducted by a Consul.

Article VI. In places where no Consul is located, a Commissioner of Trade, an Honorary Consul, or an Honorary Vice-Consul can be appointed.

Commissioners of Trade belong to the Sōnin rank; and the other two officials are to be treated as Sōnin officials

Article VII. diplomatic Clerks (élèves) are to be attached to Legations, Consulates, and Commercial Agen-

cies.

Diplomatic Clerks belong to the Hannin[x] rank

Article VIII. At Legations where there is a necessity of interpreting foreign languages other than English, French and German, 1st-Class and 2nd-Class Interpreters of Legation can be appointed.

These two officials belong to the Sōnin rank.

Article IX. At Legations, Consulates, and Commercial Agencies where there is a necessity of interpreting foreign languages other than English, French, and German, Student Interpreters (élèves) for Foreign Affairs can be appointed.

The Student Interpreters (élèves) for Foreign Affairs belong to the Hannin rank

Article X Those diplomatic Of-

---

x Appointed by heads of departments.

ficials and Consuls who are for a time relieved from duty abroad, or those officials of the Foreign Office who being appointed diplomatic Officials or Consuls are not yet assigned to any post, are said to be in Taimei.[x]

Diplomatic Officials and Consuls in Taimei, though they retain their office, do not perform their duties. They are just as the officials actually holding their office, except in the points which are specially enacted in this Ordinance and the Law of the Expenses for the Legation and the Consulate. The diplomatic Officials and the Consuls in Taimei can be employed temporarily to perform duty at the Foreign Office. In this case, the legal enactment concerning the officials actually holding office shall be applied to them.

---

x Waiting for appointment.

Jaimei terminates in three full years. When that term has expired those officials still in Jaimei are to be relieved of their posts.

The diplomatic Officials and the Consuls in Jaimei cannot be suspended from office.

The foregoing paragraphs are applicable to Commissioners of Trade, 1st Class and 2nd-Class Interpreters of Legation.

Appended Rules.

Article XI. Imperial Ordinance No. 82, issued in the 28th year of Meiji (1895), and Imperial Ordinance No. 87, issued in the same year, are to be annulled on and after the day when this Ordinance comes into force.

Article XII. Those who hold the position of 1st and 2nd Class Consuls, when this Ordinance comes into force, and appointed Consuls, if they do not receive official no-

tice to the contrary.

Imperial Ordinance

No. 281.—

The fixed Number of Officials belonging to the Government Offices in Foreign Countries.

Article I. The fixed number of diplomatic Officials, Consuls, Commissioners of Trade, 1st and 2nd class Interpreters of Legation, diplomatic Clerks (élèves) and Student Interpreters (élèves) for Foreign Affairs is as follows:—

Ministers Plenipotentiary and Ministers Resident,	15.
1st, 2nd and 3rd class Secretaries of Legation,	28.
Consuls-General, Consuls Vice-Consuls and Commissioners of Trade,	34.
1st and 2nd class Interpreters of Legation,	7.
Assistant diplomatic Officials and Assistant Consuls,	29.

diplomatic Clerks (élèves) and
Student Interpreters (élèves)
for Foreign Affairs, 123.

If a diplomatic Official adds to his own office that of a Consul, or vice versa, the addition is not counted in the fixed number.

Article II. The fixed number of the diplomatic Officials, Consuls, Commissioners of Trade, and 1st and 2nd Class Interpreters in Tsinnei is 15, outside of the number stated in the foregoing article.

Appended Rule.

The Law of the fixed Number of the diplomatic Officials, Consuls, Interpreters, Clerks, and Student Interpreters is to be annulled when this Ordinance comes into force.

Imperial Ordinance.

No. 282.—

The Grade of the Officials belonging to the Government Offices in Foreign Countries.

Article I. The Grade of the Officials belonging to the Government Offices in foreign countries is as follows:—

1st Class Higher Official:
Ministers Plenipotentiary.

2nd Class Higher Official:
Ministers Plenipotentiary,
Ministers Resident.

3rd Class Higher Officials:
1st Class Secretaries of Legation,
Consuls-General.

4th Class Higher Official:
1st Class Secretaries of Legation,
Consuls-General,
2nd Class Secretaries of Legation,
Consuls,
Commissioners of Trade.

5th Class Higher Officials:
2nd Class Secretaries of Legation,

Consuls,
Commissioners of Trade.

6th Class Higher Official:

3rd Class Secretaries of Legation,
Consuls,
Commissioners of Trade,
1st Class Interpreters of Legation.

7th Class Higher Official:

3rd Class Secretaries of Legation,
Consuls,
Commissioners of Trade,
Vice-Consuls,
2nd Class Interpreters of Legation,
Assistant Diplomatic Officials,
Assistant Consuls.

Consuls-General who have held the 3rd Grade of the Higher Official (Koto-kwan) for more than three years, and have rendered special service to the Government, can be ranked in the 2nd Class of the Higher Official.

Article II. Official positions that are not fixed in this Ordinance shall be determined according to the Law

of the Salary of the different Grades of Higher Officials.

Appended Rules.

Article III. Imperial Ordinance No. 170, issued in the 26th year of Meiji, is to be annulled when this Ordinance comes into force.

Article IV. Those who do not receive any official notice to the contrary, when this Ordinance comes into force, are appointed to the grade corresponding to the present grade of their office.

Note:— The Law of Expenses of Legations and Consulates is amended to conform with the above regulations.

---

x 1893.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 313

DIPLOMATIC,
JUL 26 1899
BUREAU.

June 29,1899.

INDEX BUREAU
REC'D.
26 JUL '99
DEPT. OF STATE

Mr. Buck

to the Secretary of State.

Subject:

Mr. Huntington Wilson, Second Secretary of Legation, returns to Tokyo.

No. 313.

UNITED STATES LEGATION,
TOKYO, JAPAN.

June 29, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to inform you that Mr. Huntington Wilson, Second Secretary of this Legation, returning from his leave of absence passed in the United States, arrived in Tokyo on the 27th instant, and, on the same day, reported at the Legation for duty.

I have the honor to be,

Sir,

Your obedient servant,

Alfred E. Buck

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 314

File

DIPLOMATIC,
JUL 26 1899
BUREAU

June 30, 1899.

INDEX BUREAU
REC'D.
26 JUL 99
DEPT. OF STATE

Mr. Buck

to the Secretary of State.

Subject:

Confirms telegram of June 28, 1899.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 314.

June 30, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge the receipt of your telegraphic instruction of the 28th instant, reading as follows:-

"Department approves your views in number 298 that by treaty "Japanese courts take over and finish all unfinished pending "business of consular courts including execution of judgments."

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

Kasson.

No. 5/5

UNITED STATES LEGATION,
TOKYO, JAPAN.

DIPLOMATIC,
JUL 28 1899
BUREAU.

June 30, 1899.

INDEX BUREAU
REC'D.
27 JUL '99
DEPT. OF STATE.

Same disposition as was made of No. 25 Enclosure to Library July 29/99

Mr. Buck

to the Secretary of State.

BUREAU OF ROLLS & LIBRARY
AUG 3 1899
DEPARTMENT OF STATE

One copy of pamphlet in Library. A.H.G.

Subject:

Customs Import Tariff of Japan.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 315.

June 30, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to transmit herewith to the Department two copies of "The Customs Import Tariff of Japan", published by the Treasury Department to take the place of and correct the errors in the tariff appended to the volume entitled "Treaties and Conventions between Japan and Other Powers" forwarded to the Department in my No. 255 of February 10, 1899.

I have the honor to be,

Sir,

Your obedient servant,

W. W. Rockhill

Enclosures:

Two copies of the "Customs Tariff".

UNITED STATES LEGATION,
TOKYO, JAPAN.

2D ASSISTANT SECRETARY,
Mr. Cuney will print, with cross reference to Adv. SR 415
Inform Librarian of Congress.
Rec'd JUL 27 1899 early

Aug 4/99

No. 316.

June 30, 1899.

INDEX BUREAU
REC'D.
26 JUL '99
DEPT. OF STATE

PRINTED IN ADVANCE SHEETS NO. 505 } Mailed 4 copies to Mrs. Buck, Aug. 15/99

Mr. Buck,

to the Secretary of State.

DIPLOMATIC,
AUG 17 1899
BUREAU

Subject:

Ordinance relating to operation of Copyright Law.

CONTENTS.

[illegible] Trade-Mark Law in Japan.
[illegible] Copyright Law of Japan.
[illegible]tents and Trade-Marks Registered in [illegible]apan.

No. 415.

Issued daily, except Sundays and legal holidays, by the Bureau of Foreign Commerce, Department of State, to which applications for copies should be addressed.

ADVANCE SHEETS

OF

CONSULAR REPORTS.

MAY 2, 1899.

NEW TRADE-MARK LAW IN JAPAN.

The secretary of the legation at Tokyo, Mr. Herod, sends, under [illegible]ate of March 31, 1899, a copy of the trade-mark law passed by the [illegible]ast Japanese Diet, as follows:

[From the Japan Gazette, Yokohama, March 25, 1899.]

TRADE-MARKS LAW.

LAW NO. 38.

ARTICLE I. Any person wishing to make exclusive use of a trade-mark to dis[illegible]inguish his own merchandise, shall obtain registration of the device chosen [illegible]ccording to this law.

ART. II. Letters, diagrams, or marks which correspond with the following de[illegible]igns will not be registered as trade-marks:

(1) Those which are exactly similar to the imperial chrysanthemum escutcheon [illegible]r resemble it.

(2) Those which are exactly similar to or resemble a national or naval or military [illegible]lag or decorations or a foreign national flag.

(3) Those which are liable to disturb public order, injurious to public morals, or [illegible]pt to deceive the public.

(4) Those which are exactly similar to or resemble one already in use for the [illegible]ame article by other persons, or one which has not for more than one year lost [illegible]he effect of registration.

(5) Those which are exactly similar to or resemble one in use by another person [illegible]prior to the coming into force of these regulations.

(6) Those which show the common name of an article or its place of production, [illegible]or which show its grade, quality, or shape by customary commercial letters, dia[illegible]grams, or marks, or which mention commonly used names of persons, companies, [illegible]or partnerships or business names by common type of letters.

(7) Those which have no inclosure, figured ground, or other conspicuous marks.

ART. III. The period of time during which a trade-mark can be exclusively used [illegible]shall be twenty years, counted from the date of registration.

e term of exclusive use of the trade-marks registered in foreign countries so in the Empire afterwards shall be the one allowed in the original regis-, provided that it shall not be allowed to exceed twenty years.

T. IV. Persons desirous of continuing the use of their trade-marks after the f their exclusive use has expired may apply for a fresh registration.

T. V. The exclusive use of trade-marks is limited to articles indicated by ap- s according to the distinctions prescribed by the Minister of Agriculture and erce.

T. VI. When the holder of a trade-mark wishes to transfer his business to r person or engage in business jointly with him, he may transfer or hold in n his trade-mark. In this case, he can not set up against a third person an application is made to the patents bureau and the change registered.

en the holders of a trade-mark for a similar article own trade-marks resem- t, they can not obtain registration under the foregoing clause unless they transfers mutually or hold in common or abandon the use of such similar marks.

T. VII. Persons wishing to obtain the registration of a trade-mark shall to the director of the patents bureau. The application should be accompanied nples of the merchandise on which a trade-mark is affixed, and in it should en descriptions of merchandise for each trade-mark.

T. VIII. When two or more than two persons have applied for the registra- n of trade-marks similar to or resembling another for a similar article, the reg- on will be allowed to the person who has applied first; when two or more ations are filed simultaneously, neither shall be registered; provided that this not apply to cases where all the applicants are reduced to one person [by the rawal of the others].

T. IX. When persons who have made an application for the registration of rade-marks in a country belonging to the international union for the protec- f industrial rights have applied for the registration of a similar trade-mark four months from the date of the original application, the new application have the same effect as the one made on the day of the original application.

T. X. When the trade-marks registered are found to be in violation of Article VIII, the registration shall be null and void; provided that this shall not be d to cases where those trade-marks which correspond with No. 4 or 5 of Arti- or which conflict with Article VIII and have passed three years since their ration.

T. XI. In the following cases, the director of the patents bureau may cancel gistration:

When the holder of a trade-mark has embodied untrue statements in it g to the place of production or quality of commodities on which the trade- is used after its registration is made.

When the holder of a trade-mark has not, without valid reason, appointed ent referred to in Article VI of the patents regulations in accordance with XX within six months.

T. XII. The right to exclusive use of a trade-mark ceases with the abolition business by the holder of registered trade-mark.

T. XIII. Any person desirous of obtaining the registration of his trade-mark ay a fee of 30 yen ($14.94) for each kind of commodity on which a trade-mark . The same shall apply when a trade-mark is renewed.

T. XIV. The patents bureau shall issue the trade-marks Official Gazette and y notify all necessary matters relating to the registration of a trade-mark.

T. XV. When a witness or an appraiser has made false statements or judg- o the patents bureau or a court by which he has been requested to give

nce, he shall be punished with major imprisonment from one month to one nd a fine ranging from 5 to 50 yen ($2.49 to $24.90).

ersons who have caused him to make false statements or judgment by bribes her means shall be similarly punished.

hen the offenders alluded to in the two foregoing clauses have given them- s up at the patents bureau or the court by which they have been requested e decision or judgment is given, they shall be acquitted of punishment.

RT. XVI. Persons who have manufactured, delivered, or sold a trade-mark ar to or resembling one belonging to another person knowing that it is the -mark of the latter, or who have used on their merchandise a trade-mark simi- or resembling that registered by another person, or who have knowingly sold ored for sale such merchandise shall be punished with major imprisonment of one month to two years or a fine of from 20 to 500 yen ($9.96 to $249).

Persons who have used boxes, covers, or other things in which merchandise is ed for similar commodities knowing that such boxes, etc., have a registered e-mark of another person, or who have, with knowledge, sold or stored for sale h merchandise, or who have used a trade-mark similar to or resembling the reg- red trade-mark of another person in advertisements, sign boards, or business ulars for the purpose of selling similar articles, shall be punished in like manner.

ART. XVII. Persons who have obtained the registration of a trade-mark by udulent representations, or who have affixed labels of registered trade-marks or rks resembling them on commodities for which no trade-mark has been regis- d, or who knowingly sold or stored for sale such commodities, shall be punished major imprisonment of from fifteen days to one year or a fine of from 10 to yen ($4.98 to $149.40).

Persons who have used in their advertisements, signboards, or business circu- a label showing that a trade-mark is registered or a mark resembling it, for the pose of selling their goods without getting their trade-marks registered, shall similarly punished.

ART. XVIII. In the case of Article XVI or Article XVII, a trade-mark and arti- s for its production shall be forfeited, and merchandise, boxes, covers, or other icles which could not be separable from the trade-mark will be ordered to be troyed.

ART. XIX. Offenses under Article XVI shall be dealt with only on the produc- n of an accusation by the aggrieved party.

ART. XX. The provisions in Articles VI–X, Articles XII, XIII, XV, XXI, XIII, Articles XXVIII–XXXVII, Articles XLIII and LI in the patents regulations all be applied with regard to trade-marks.

ART. XXI. When a guild composed of business men of the same line to which rmission has been granted by the authorities concerned wishes to exclusively use business mark for a trade-mark, registration may be obtained in accordance th these provisions.

The business mark registered according to the preceding clause shall be the me as a registered trade-mark.

Supplementary rules.

ART. XXII. These regulations shall be put into force from July 1, 1899.

ART. XXIII. The trade-marks regulations issued in 1888 under imperial ordi- ance No. 86 shall be abolished simultaneously with the coming into force of these gulations.

The trade-mark registered under the existing trade-marks regulations shall have e same effect as those obtained in accordance with these regulations.

Applications or claims which have not been settled before these regulations

ne in force shall be considered as applications or claims made according to these ulations and dealt with accordingly.

ART. XXIV. For trade-marks which correspond with No. 3 of Article II in the de-marks regulations issued in 1888 under imperial ordinance No. 86 or those ich have been registered in violation of Article VIII of the same regulations, d should be null and void, a trial for making their registration null and void, ording to Article X of the same regulations, may not be claimed after the expi- ion of two years from the date of operation of these regulations.

NEW COPYRIGHT LAW OF JAPAN.

I give below translation by the Japan Gazette, of the newly acted copyright law of Japan:

LAW NO. 39.—LAW OF COPYRIGHT.

CHAPTER I.—RIGHTS OF AUTHOR.

ARTICLE I. The author of documents, lectures, drawings and paintings, designs r engravings, photographs, and other matters belonging to the province of liter- ure, science, and the fine arts shall have exclusive right of reproducing his work. he copyright of literary and scientific productions includes the right of translating em, and that of all kinds of theatrical plays and musical notes includes the right f their performance in public.

ART. II. The copyright can be transferred to another person.

ART. III. The copyright for productions published or exhibited shall remain in fect during the lifetime of the author concerned, and may be continued for thirty ars after his death. The copyright of joint productions of many persons may e kept in effect for thirty years from the death of the person who died last.

ART. IV. The copyright of posthumous productions may be kept in effect for irty years from the date of their first publication or exhibition.

ART. V. The copyright in works under nom de plume or in anonymous pro- ctions may be kept in effect for thirty years from the date of their publication or hibition, provided that Article III be applied if the true name of the author is gistered during the interval.

ART. VI. The copyright of works published or exhibited in the name of Govern- ent or public offices, schools, temples, shrines, associations, companies, or other odies shall continue in effect for thirty years from the date of publication or hibition.

ART. VII. The author will lose the right of translating his original works if he es not publish the translation within ten years from the date of publication of s ordinary work.

If the author has published the work translated into the language for which he ants to receive protection within the foregoing period, the right of translating to that language will not be lost.

ART. VIII. When works are to be published volume after volume, the calcula- on of the periods mentioned in the foregoing articles will be commenced from the ate of publication of each volume.

In case works are gradually published in parts one by one until they are com- leted, the periods mentioned in the foregoing articles shall be counted from the ate of publication of the last part; provided that if such works are not completed ithin three years, the last part of the works published by that time shall be con- idered as the final part of the works.

ART. IX. In calculating the period of time during which copyright is in effect, the cases of the foregoing six articles, the calculation will be commenced from e year following that of the death of the author or of the publication or exhibition his works.

ART. X. The copyright will disappear when there is no successor.

ART. XI. The following can not be made the object of copyright:

(1) Legal instructions and Government and public documents.

(2) Miscellaneous reports, political opinions, or current topics mentioned in wspapers and periodicals.

(3) Lectures or speeches delivered in open judicial courts, Diet, or political as-mblies.

ART. XII. The publisher or exhibitor of nom de plume or anonymous works n hold the right belonging to the author, provided that this is expected if the thor has registered his true name.

ART. XIII. The copyright of works produced jointly by several persons shall be eir common property.

When an author refuses to publish or exhibit works, in cases where the part of e work borne by each author is uncertain, the other may obtain his share by aying compensation to the refuser, provided that this will be excepted in cases here an agreement to the contrary exists between the parties. In case the part of e work borne by each author is known, and one or more of them refuses to pub-sh or exhibit the works, the other authors may separate the parts they have done nd publish or exhibit them, provided that this will be excepted if an agreement to e contrary exists.

In the case of clause 2 in this article the name of an author who has refused to ublish or exhibit the works can not be mentioned in the works to be published.

ART. XIV. Persons who have edited several works according to regulations hall be recognized as authors, and they can enjoy copyright for the whole of the orks edited, provided that the copyright of each work shall belong to the respec-ve author.

ART. XV. Persons entitled to copyright may obtain the registration of copy-ght.

Unless the author registers the copyright of works he has published or ex-bited, he can not institute civil action against plagiarists.

The transfer or hypothecation of a copyright can not be set up against a third arty unless such transfer or hypothecation has been registered.

The author of works under nom de plume, or of productions for which he gives o name, may obtain the registry of his true name.

ART. XVI. The registration will be executed by administrative offices.

The regulations relating to registrator will be determined by instructions.

ART. XVII. No original copy and copyright of works which have not been pub-shed or exhibited shall be attached on behalf of creditors, provided that this will e excepted in case the author has agreed to it.

ART. XVIII. No person who has obtained the transference of copyright can hange the name or title of author or alter or revise the title or contents of the orks without the consent of the author.

ART. XIX. No new copyright will be obtained by adding kana, punctuation, in-ection, criticisms, notes, supplement, or drawings to original works or by making ther revision, addition, or reduction remodeling the original work, provided that xception will be given to those which can be considered as new works.

ART. XX. Any article or note published in newspapers and periodicals (novels nd fictions excepted) may be reproduced by giving its origin if the author does not onspicuously mention in his paper that its transference is prohibited.

ART. XXI. Persons who have made translation in accordance with regulations will be recognized as authors, and they are entitled to the protection of this law.

As to works the right of translating which has disappeared, the translator can not prevent others translating the works.

ART. XXII. Persons who reproduced fine-art works in accordance with law and with arts different from the one by which the original works have been made will be recognized as authors, and they are entitled to the protection of this law.

ART. XXIII. The copyright of photographs shall be kept in effect for ten years. The foregoing period of time will be counted from the year following that of the first issue of works. If not issued, it will be counted from the year following the one in which the original plates are made. Persons who reproduce fine-art works in accordance with law and with the art of photography may be entitled to the protection of this law during the same period as the one given to original authors, provided that where a special restriction is agreed to between the persons concerned it shall be observed.

ART. XXIV. The copyright of photographs inserted in literary or scientific works and made or caused to be made specially for the works shall belong to the author of such literary or scientific works and be continued in effect for a period of time similar to that allowed to the author for the works.

ART. XXV. The copyright of photographs and portraits made at the request of other persons shall belong to the persons who have made such request.

ART. XXVI. The provisions relating to photographs shall be applied to works made in accordance with the art similar to that of photography.

ART. XXVII. Works the authorship of which is uncertain, and which have not been published or exhibited, may, in accordance with instructions, be published or exhibited.

ART. XXVIII. The provisions of this law shall be applied with respect to the copyright of foreigners (those specially determined by treaty excepted). Provided, that in case no provision is made in the treaty relative to the protection of copyright, those foreigners who have published their works for the first time in the Empire shall alone be entitled to enjoy the protection of this law.

CHAPTER II.—PLAGIARISM.

ART. XXIX. Persons who have violated copyright shall be considered as plagiarists, and they shall be held responsible for the damage resulting therefrom provided for in this law and in chapter 5 of Section III in the civil code.

ART. XXX. To reproduce works already issued in the following ways shall not be considered as plagiarism:

(1) To make reproductions without the idea of issuing them and without conforming to mechanical or chemical method.

(2) To condense and quote in one's own works within due limits.

(3) To extract and edit within the proper limit for the purpose of adapting them for elementary moral text-books and readers.

(4) To insert phrases and clauses in literary and scientific works in plays made by oneself or to adopt them in his own musical compositions.

(5) To insert fine-art works as material for explaining literary or scientific works or vice versa.

(6) To make drawings or paintings into designs for engravings or molds for engravings into drawings or paintings.

In all the cases in this article the origin of works shall be clearly indicated.

ART. XXXI. Persons who import plagiarized works with an object of distributing them for sale in the Empire shall be considered as plagiarists.

ART. XXXII. Persons who have published explanatory answers of questions ade for training purposes shall be considered as plagiarists.

ART. XXXIII. Persons who have made plagiarist works with fair intention and ithout fault and received profits thereby, causing other persons to suffer loss, shall held responsible to repay such amount as is within the limit of amount gained.

ART. XXXIV. The copyright holder of works made jointly by a number of per-ns may prosecute against plagarism without the consent of other copyright hold-s and claim compensation and damages for his share or the repayment of profits entioned in the preceding article in proportion to his own share.

ART. XXXV. When a civil suit is instituted against plagiarists, persons whose mes are mentioned in the works as authors shall be considered as the authors.

In the case of works under nom de plume or anonymous works, the person hose name is given as publisher shall be considered as the publisher.

In the case of the exhibition of plays and musical compositions not yet pub-shed, the person who is given in the exhibition as the author shall be considered the author.

When the name of an author does not appear in a play or musical composition, e performer shall be considered as the author.

ART. XXXVI. When civil or criminal suit is instituted against plagiarists, the urt can suspend the sale of the works supposed to be plagiarized or attach them suspend their exhibition, with or without causing the accuser or the plaintiff to ive sureties, in accordance with the latter's wish. If on trial it is found that the orks in the foregoing clause are not plagiarized, the claimant shall be held re-ponsible for all losses arising from their suspension or attachment.

CHAPTER III.—PUNISHMENT.

ART. XXXVII. Plagiarists or persons who have knowingly sold or distributed lagiarized works shall be punished by a fine ranging from 50 to 500 yen ($24.90 $249).

ART. XXXVIII. Offenders against Article XVIII shall be punished by a fine of rom 30 to 300 yen ($14.94 to $149.40).

ART. XXXIX. Persons who have reproduced works without mentioning their rigin in violation of Article XX and clause 2 of Article XXX and persons who have iolated the provisions of clause 4 of Article XIII shall be fined from 10 to 100 yen $4.98 to $49.80).

ART. XL. Publishers of works on which the name and title of a person other han the author is mentioned shall be punished with a fine of from 30 to 500 yen $14.94 to $249).

ART. XLI. Persons who have made alterations in the works of other persons nd injured their authors or changed their title, or have hidden the names and itles of the authors and published the works as works of other persons, shall be unished, even though the copyright of the original works has disappeared, by a ine of from 20 to 200 yen ($9.96 to $99.60).

ART. XLII. Persons who have obtained the registration of plagiarized works shall be fined from 10 to 100 yen ($4.98 to $49.80).

ART. XLIII. Plagiarized works and instruments and apparatus employed for plagiarism shall be forfeited when they are in possession of the plagiarists or other persons concerned.

ART. XLIV. The offenses alluded to in this chapter shall be dealt with only when an action is brought by the aggrieved party, provided that this is to be ex-cepted when the author has died, in the case of Article XXXVIII or of Articles XL and XLII.

ART. XLV. Prescription of public action against offenses in this chapter shall be acquired by the lapse of two years.

CHAPTER IV.—SUPPLEMENTARY RULES.

RT. XLVI. The date of operation of this law shall be determined by imperial
e. Copyright law (issued in 1893 under law No. 16), regulations for theatrical
s and musical compositions (issued in 1887 under imperial decree No. 78), and
right law for photographs) issued in 1887 under imperial decree No. 79) shall
bolished from the date on which this law comes into force.

RT. XLVII. Works the copyright for which does not disappear before the com-
into force of this law shall enjoy the protection of this law.

RT. XLVIII. The reproduction of works which are not recognized as plagia-
and which have been reproduced or are being reproduced before this law comes
force may be completed and distributed for sale.

he instruments and apparatus used in making the reproductions mentioned in
receding clause may be used for five years from the date of operation of this
if they exist.

RT. XLIX. The translation of works which are not recognized as plagiarized
which have been translated or are being translated before coming into opera-
of this law may be completed and distributed for sale, provided that the trans-
works are required to be published within seven years from the date of
ng into force of this law.

he translated works mentioned in the foregoing clause may also be reproduced
in five years from the date of their publication.

RT. L. Works which are not recognized as plagiarized and which have been or
being exhibited before the coming into force of this law may be exhibited for
years from the date of operation of this law.

RT. LI. In the case of Article XLVIII or of Article L, reproductions can not
istributed for sale or exhibited unless the necessary provisions prescribed by
ee shall be fulfilled.

RT. LII. This law shall not be applicable to architectural matters.

JOHN F. GOWEY,
Consul-General.

YOKOHAMA, *March 11, 1899.*

ATENTS AND TRADE-MARKS REGISTERED IN JAPAN.

I forward herewith a statement giving official statistics relative patents, trade-marks, and designs registered in Japan from No-mber 18, 1896, the date upon which foreigners were first enabled secure protection, to December 31, 1898. The remarkably small mber of patents issued is due to the exclusion of any invention absolutely novel or which has been made public in any manner vious to application for letters in Japan. Many valuable foreign de-marks have been appropriated and even registered by Japanese e. Such registration has, under rulings of the Japanese patent reau, been held sufficient to prevent the subsequent application ulting in protection or adequate redress to the lawful foreign ner of the mark.

By a law passed at the late session of the Japanese Parliament, a translation of which I shall shortly forward to the Department, foreign inventors will be allowed seven months' time from application abroad within which they can apply for Japanese letters patent.

JOHN F. GOWEY,
Consul-General.

YOKOHAMA, *March 14, 1899.*

Statistics of patents, trade-marks, and designs in Japan from November 18, 1896, to December 31, 1898.

Applications.	Filed.	Registered.	Rejected.	Pending.	Annulled or withdrawn.
By foreigners:	*Number.*	*Number.*	*Number.*	*Number.*	*Number.*
Patents	239	18	4	217	.....
Trade-marks	2,437	1,928	277	127	105
Designs	13	10	.....	3	.....
By Japanese:					
Patents	3,252	316	523	2,065	348
Trade-marks	3,483	1,867	603	740	273
Designs	623	83	175	263	102

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 316.

June 30, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to append on the overleaf translation of an Imperial Ordinance published in the Official Gazette of the 28th instant, stating that the Copyright Law will be enforced on and after the 15th of July, 1899.

I have the honor to be,

Sir,

Your obedient servant,

W. W. Rockhill

IMPERIAL ORDINANCE, NO. 313.

The Law of Copyright shall go into effect on and after July 15th, 1899 .

(Signed) Marquis Saigo,

Minister of Home Affairs.

June 27, 1899.

20 ASSISTANT SECRETARY,
Send to Mr. Quincy to print
Ack. sending copies of Adv. sheets.
[F.R. 1899] JUL 26 1899 abg

UNITED STATES LEGATION,
TOKYO, JAPAN.

June 30, 1899.

No. 317.

INDEX BUREAU
REC'D.
26 JUL '99
DEPT. OF STATE

PRINTED IN ADVANCE SHEETS NO. 502

Mr. Buck,

to the Secretary of State.

Subject:

Ordinance relating to the operation of theTonnage Dues Law.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 317.

June 30, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to enclose herewith translation copies of an Imperial Rescript announcing that the Tonnage Dues Law will go into effect from August 4th, 1899, and regulations relating to the operation of the said Law, both of which have appeared in to-day's Official Gazette.

I have the honor to be,

Sir,

Your obedient servant,

E. H. Buck

Enclosures:

Translations of Rescript and Regulations relating to Tonnage Dues Law.

Enclosure with Mr. Buck's No. 317.

Translation:

IMPERIAL ORDINANCE NO. 318.

The Tonnage Dues Law shall be enforced on and after August 4, 1899.

(Signed) Count Matsukata

Minister of Finance

June 29, 1899.

-o-o-o-o-o-o-o-o-o-o-o-

IMPERIAL ORDINANCE NO. 320.

Regulations for the Operation of the Tonnage Dues Law.

ART. I.- Persons wishing to pay the tonnage dues for one year at one time, according to the provisions of the note appended to Art. I of the Tonnage Dues Law, shall give notice of their intention to the Customs House or a branch office of the same.

ART. II.- When the Customs House or a branch office desires to collect Tonnage Dues, notice shall be given to the payor of the amount of dues and the place of payment.

ART. III.- Vessels engaged in foreign trade which enter port on account of calamities at sea or other unavoidable reason, should certify to the circumstances at the Customs House or branch office.

In case the tonnage dues are paid, the above is not required.

ART. IV.- Persons who desire to receive a certificate of the payment of tonnage dues, or a certificate of the measurement of their vessel, in case such vessel has been measured in accordance with Art. IV of the Tonnage Law, should apply to the Customs House or branch office, and pay a fee of Yen 1.50 for each certificate.

The above fee may be paid in revenue stamps, attached to the application for certificate.

ART. V.- With regard to the method of investigation and punishment of violations of these Regulations, the regulations for the operation of the Customs House Law shall be applied.

Appendix.

This Ordinance shall go into effect on the date of the operation of the Tonnage Dues Law.

DIPLOMATIC,
JUL 27 1899
UNITED STATES LEGATION,
TOKYO, JAPAN.
BUREAU.

2D ASSISTANT SECRETARY,
~~Act~~, awaiting text.
JUL 26 1899

June 30, 1899.

No. 318.

INDEX BUREAU
REC'D.
26 JUL '99
DEPT. OF STATE

Mr. Buck,

to the Secretary of State.

Subject:

Ordinance relating to the operation of the Customs Law.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 318

June 20, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to append on the overleaf translation of an Imperial Rescript published in the Official Gazette of to-day, to the effect that the Customs Dues Law will be enforced on and after August 4, 1899.

Regulations relating to the operation of the above Law, also issued in to-day's Gazette, will be translated and forwarded by the next mail.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

IMPERIAL ORDINANCE NO. 317.

The Law of Customs Dues shall be put into operation on and after August 4th, 1899 .

(Signed) Count Matsukata,

Minister of Finance.

June 29, 1899.

DIPLOMATIC,
AUG 5 1899
BUREAU.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 319.

INDEX BUREAU
REC'D.
5 AUG '99
DEPT. OF STATE

June 30, 1899.

Mr. Buck,

to the Secretary of State.

Subject:

Transmitting report on "State Education in Japan" by Mr. R.E. Lewis.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 319.

June 30, 1899.

Honorable John Hay,
Secretary of State,
Washington, D.C.-

Sir:

I have the honor to enclose herewith a report on "State Education in Japan", prepared by Mr. R. E. Lewis, of Shanghai, and kindly presented by him to me for transmission to the Department.

The report represents a great deal of painstaking labor on the part of Mr. Lewis, and is the most thorough statement of the subject that has yet, to my knowledge, been presented. Portions of the report were read at a recent meeting of the Royal Asiatic Societic of Shanghai, and were desired for translation into Chinese for the use of the Chinese Government. The Educational Department of Japan has also requested a copy of the report. It would give me great pleasure and gratify Mr. Lewis, if it were deemed of sufficient value and interest to warrant its publication by the Bureau of Education of our Government in its series of reports.

Mr. Lewis is an American, and the report will not be published elsewhere in English pending the action of the Department.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

Enclosure: Report on "State Education in Japan" by Mr. Lewis.

TELEGRAM RECEIVED IN CIPHER.

ASSISTANT SECRETARY
JUL 7 1899
DEPARTMENT OF STATE.

From Tokyo, July 7, 1899.

Received 7.25 A.M.

Secstate,

Washington,

Copy to Seoul
Advowy
July 7, 1899

Japanese Minister for Foreign Affairs has informed me his Majesty's Government will decline to execute Consular Court judgments. Kellyy will be released July 17th unless removed or pardoned by then.

Buck.

Ans. by tel. + instruction July 10

Received 9 o'clock a M.

Deciphered By
Wm. H. Michael, Chief Clerk.

9.30 o'clock a M.

Copies delivered to

Asst Sec

hered by

, 189 , M.

DIPLOMATIC,
AUG 5 1899
BUREAU.

No. 320

UNITED STATES LEGATION,
TOKYO, JAPAN.

July 7, 1899.

INDEX BUREAU
REC'D.
5 AUG '99
DEPT. OF STATE

Acted Aug. 10 99

Mr. Buck

to the Secretary of State.

Subject:

Claim of the Pacific Mail Steamship Company in collission case.

No. 320

UNITED STATES LEGATION,
TOKYO, JAPAN.

July 7, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge the receipt of your instruction No. 230, of the 7th ultimo, in respect to the claim of the Pacific Mail Steamship Company for injuries done to their steamship "City of Peking" in a collision with the Japanese naval vessel "Amagi-kan", wherein you direct that, in case no answer to Mr. Herod's note to the Minister of Foreign Affairs shall have been received at the time your instruction reaches me, I shall again call the attention of the Japanese Government to the claim.

In reply I have the honor to state that, while I have not yet received any formal or official answer to Mr. Herod's note, I have been visited by the Vice Minister of the Navy who informally has submitted two diagrams, One showing the courses of the two vessels before and at the time of the collision, and the other showing the damage done to the "Amagi-kan", together with an itemized statement of the expense of repairs of that vessel amounting to Yen 6,426:69.

The Vice Minister claims that a thorough investigation instituted by the Navy Department discloses the fact that both vessels were at fault, and that the Minister of the Navy thinks that, as the Japanese ship was injured as well as the "City of Peking", the Japanese Government

Government ought not to be expected to pay the full amount of expense of repairs of the "City of Peking", but would be willing to pay a portion of it. Though he declined to state the exact amount it was thought should be paid, I infer that the Government might be willing to pay the difference between the cost of repairs of the ships. The Vice Minister suggested that I confer with the Pacific Mail Steamship Company, furnishing its agent with the diagrams and bill of expenses, to bring about a settlement without the necessitn of any diplomatic or judicial controversy. Hoping to adjust the matter between the Navy Department and the Pacific Mail Steamship Company by mutual agreement, he stated that the Minister of the Navy had not caused an answer to be made to me through the Foreign Office, and the hope was expressed that no official answer would be necessary.

I promptly forwarded the diagrams and bill of expenses above referred to to the agent of the Pacific Mail Steamship Company, with a statement of the conversation between the Vice Minister and myself, which I am now informed have been mailed to the home office of the Company at San Francisco, and the agent requests that, awaiting instructions from San Francisco, for the present I take no further action in the premises.

I have the honor to be,

Sir,

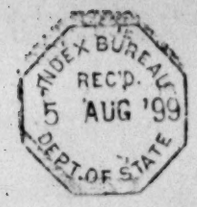
Your obedient servant,



No. 321.

UNITED STATES LEGATION,
TOKYO, JAPAN.

July 7, 1899.





To Attorney General
Aug 8/99

Mr. Buck

to the Secretary of State,

Subject:

Commutation of the sentence of John Kelly.

No. 321.

UNITED STATES LEGATION,
TOKYO, JAPAN.

July 7,1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge the receipt of your instruction No. 231 of the 9th ultimo, referring to my despatch No. 293 of May 10 last, in respect to the commutation of the sentence of John Kelly, convicted of manslaughter in the consular court at Nagasaki, and now confined in the consular jail at Yokohama undergoing sentence of seven years confinement at hard labor, and enclosing copy of a letter from the Attorney General giving his views of the course to be pursued to obtain commutation of Kelly's sentence and his removal to the United States.

It appears that the Attorney General did not take into consideration the necessity for prompt action in view of the fact that consular jurisdiction was to cease on July 16th, and the possibility that the Japanese Government might refuse to take over and hold Kelly in confinement after that date. It is to be regretted that the Attorney General did not recommend that the same course be taken with Kelly as was taken in the case of Ross, cited by me in my despatch No. 293, in which case commutation of sentence ("a conditional pardon") was granted and forwarded in advance of Ross' written consent and acceptance of such

such commutation which was conditioned upon Ross' acceptance of the terms of such "conditional pardon."

In point of time between May 9th, the date of the Attorney General's letter, and July 16th, it was not possible for instructions to reach the Consul at Nagasaki and for the return of Kelly's consent to Washington so as to receive the papers from the Department commuting his sentence by the latter date.

Yesterday, on the receipt of the instruction under reply, I addressed a note to the Minister of Foreign Affairs, copy herewith enclosed, which I read and presented to him in person, upon which we discussed the general subject of the Japanese courts taking over and executing judgments of our consular courts, as well as the case of Kelly, in event he was still in confinement under consular jurisdiction up to the 17th instant. That I might know at once what the status of Kelly was to be, and, if he was not to be held in confinement by the Japanese authorities, that I might telegraph you, I asked the Minister to tell me, if he could, the position that his Government would take in this case, as well as to the execution of other judgments of our consular courts, if there were any unsatisfied at that time. His reply was that the Japanese Government had concluded that it must decline to hold Kelly, or any prisoners sentenced by our consular courts, or execute any judgments of such courts. Hence my telegram to you of yesterday's date, copy of which is enclosed herewith.

I have the honor to be,

UNITED STATES LEGATION,
TOKYO, JAPAN.

Sir,

Your obedient servant,



Enclosures:

1. Mr. Buck to Viscount Aoki, July 6, 1899.

2. Reading of cipher telegram, July 6, 1899.

Enclosure 1 with Mr. Buck's No. 321

(COPY.)

No. 148.

Legation of the United States,

Tokyo, July 8, 1899.

His Excellency

Viscount Aoki,

H. I. J. M. Minister of Foreign Affairs.

Sir:-

Referring to recent conversations with Your Excellency in respect to the Japanese Courts' taking over and adjudicating all cases that may be pending in the United States Consular Courts and executing judgments unsatisfied and unexecuted on the 16th instant, when, by virtue of the Treaty between the United States and Japan, our extraterritorial jurisdiction shall cease and determine,-and especially in respect to the judgment against John Kelly, now confined in the United States consular jail at Yokohama, undergoing a seven years' sentence of confinement at hard labor for the crime of manslaughter, as also in respect to other criminals, if any, undergoing sentence by our consular courts,- I have the honor to represent to Your Excellency the position taken in a recent instruction received from my Government.

The United States assumes that under the terms of the Treaty as expressed in the closing lines of Article XVIII, which states that, "---the jurisdiction then exercised by courts of the United States in Japan, and all the exceptional privileges, exemptions and immunities

then enjoyed by citizens of the United States ass part of, or appurtenant to such jurisdiction, shall absolutely and without notice cease and determine, and thereafter all such jurisdiction shall be assumed and exercised by Japanese courts", our courts are quasi Japanese courts , inasmuch as they were substituted to take the place of Japanese courts and that when their judicial functions shall cease then the jurisdiction of the Japanese courts proper will be assumed and exercised in all cases unfinished, carrying into execution all judgments previously pronounced by our consular courts in civil and criminal cases that at the time may be in process of execution as though such judgments had been pronounced and such prisoners had been sentenced by Japanese courts.

In the case of John Kelly, the only prisoner, so far as I am informed, now undergoing sentence by any of our consular courts,- whose sentence has got yet been commuted by the President to serve a shorter term in the United States, which commutation has been recommended by me-, and who without doubt will still be in confinement under consular authority on the 17th instant awaiting executive clemency, I have the honor to express to Your Excellency the desire that Your Excellency's Government may find it consistent to instruct their courts at Yokohama to take over and hold said Kelly in confinement in the execution of the judgment of our consular court in his case.

I avail myself etc.

(Signed) A. E. Buck.

Enclosure 2 with Mr. Buck's No. .

(Reading of Cipher Telegram.)

Tokio, July 6,1888.

Secstate, Washington.

Japanese Minister of Foreign Affairs has informed me His Majesty's Government will decline to execute consular court judgments. Kelly will be released July seventeenth unless removed or pardoned by then.

Buck.

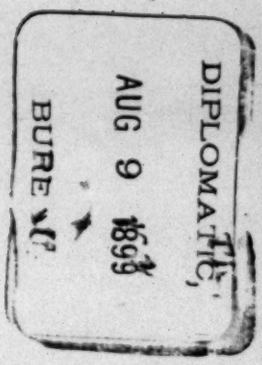
No. 322

UNITED STATES LEGATION,
TOKYO, JAPAN.

Ans. Aug. 12/99

July 7, 1899.





Mr. Buck

to the Secretary of State.

Subject:

Land Registers to be transferred to Japanese Authorities.

No. 322.

UNITED STATES LEGATION,
TOKYO, JAPAN.

July 7,1899.

Honorable John Hay

Secretary of State,

Washington.

Sir:-

I have the honor to enclose herewith copy of a note received by me from Viscount Aoki, H.I.J.M. Minister for Foreign Affairs in which, in order to secure the validity of the original registrations of the rights of foreigners in real property in Japan, I am requested to instruct our Consuls to make preparations for transferring to the proper Japanese authorities the original land registers kept in the Consulates or certified copies of the same.

I have instructed our Consuls to comply with the request of the Japanese Government.

I have the honor to be,

Sir,

Your obedient servant,

Enclosure as above.

Enclosure with Mr. Buck's No. 322.

(Copy.)

No. 31. Department of Foreign Affairs,

Tokio, July 5th, 1898.

His Excellency

A. E. Buck,

E. E. and M. P. of the United States of America.

Monsieur le Ministre,

In reference to the registration of rights in real property owned by foreigners, although issue of an Imperial Ordinance is now under contemplation, it has not yet been decided as to all the details thereof and meanwhile in view of the validity of the original registration may remain unaffected, it is deemed necessary that either the original registers kept at foreign Consulates in Japan or their authenticated copies be transferred to the Japanese Authorities concerned inasmuch as the date of coming into force of the New Treaties is at hand, I have the honor to request Your Excellency to be good enough to issue instructions to the United States Consuls in Japan to make the necessary preparations for the transfer of the original registers in question or their authenticated copies.

I avail myself etc.

(Signed) Viscount Aoki Shuzo,

Minister for Foreign Affairs.

PRINTED IN ADVANCE SHEETS NO. 514.

UNITED STATES LEGATION,
TOKYO, JAPAN.

20 ASSISTANT SECRETARY, Mr. Ewing may print the Rescript & ack sending copies of the adv. sheets.
AUG 5 1899

No. 323.

INDEX BUREAU REC'D 5 AUG 99 DEPT. OF STATE

July 7, 1899.

Marked 6 copies of Adv. Sheets No. 514 to Mr. Buck, Aug 28/99

J.T.C. 8/28/99

Mr. Buck,

to the Secretary of State.

Subject:

Imperial Rescript and Department instructions relating to operation of new treaties.

UNITED STATES LEGATION,
TOKYO, JAPAN.

NO. 323

July 7, 1899.

Honorable John Hay,

Secretary of State,

Washington, D. C.-

Sir:

I have the honor to enclose herewith newspapers clippings from the local papers giving translations of several rescripts and instructions issued by the Emperor and the Ministers of State respecting the operation of the new treaties, together with the comments of the vernacular press in relation thereto.

I have the honor to be,

Sir,

Your obedient servant,

Enclosures:

Newspaper clippings from the Japan Mail etc as above.

With Jun. Rucks Jr. 823

all

IMPERIAL RESCRIPT ON THE NEW TREATIES.

Governing Our realm by the abiding aid of Our ancestors' achievements, which have enabled Us to secure the prosperity of Our people at home and to establish relations of close amity with the nations abroad, it is a source of heartfelt gratification to Us that, in the sequel of exhaustive planning and repeated negotiations, an agreement has been come to with the Powers, and the revision of the Treaties, Our long cherished aim, is to-day on the eve of becoming an accomplished fact; a result which, while it adds materially to the responsibilities of Our empire, will greatly strengthen the basis of Our friendship with foreign countries.

It is Our earnest wish that Our subjects, whose devoted loyalty in the discharge of their duties is conspicuous, should enter earnestly into Our sentiments in this matter, and, in compliance with the great policy of opening the country, should all unite with one heart to associate cordially with the peoples from afar, thus maintaining the character of the nation and enhancing the prestige of the empire.

In view of the responsibilities that devolve upon Us in giving effect to the new Treaties, it is Our will that Our Ministers of State, acting on Our behalf, should instruct Our officials of all classes to observe the utmost circumspection in the management of affairs, to the end that subjects and strangers alike may enjoy equal privileges and advantages, and that, every source of dissatisfaction being avoided, relations of peace and amity with all nations may be strengthened and consolidated in perpetuity.

(Imperial Sign Manual).

(Signatures of all the Cabinet Ministers).

(Dated) June 30th, 1899.

CABINET NOTIFICATION. No. 1.

The work of revising the Treaties has caused deep solicitude to His August Majesty since the centralization of the Government, and has long been an object of earnest desire to the people. More than twenty years have elapsed since the question was opened by the despatch of a special embassy to the West in 1871. Throughout the whole of that interval, numerous negotiations were conducted with foreign countries and numerous plans discussed, until finally, in 1884, Great Britain took the lead in concluding a revised treaty, and the other Powers all followed in succession, so that now the operation of the new Treaties is about to take place on the 17th of July and the 4th of August.

The revision of the Treaties in the sense of placing on a footing of equality the intercourse of this country with foreign States, was the basis of the great liberal policy adopted at the time of the Restoration, and that such a course conduces to enhance the prestige of the empire and to promote the prosperity of the people, is a proposition not requiring demonstration. But if there should be anything defective in the methods adopted for giving effect to the Treaties, not merely will the object of revision be sacrificed, but also the country's relations with friendly Powers will be impaired and its prestige may be lowered. It is of course beyond question that any rights and privileges accruing to us as a result of Treaty Revision should be duly asserted. But there devolves upon the Government of this Empire the responsibility, and upon the people of this realm the duty, of protecting the rights and privileges of foreigners, and of sparing no effort that they may one and all be enabled to reside in the country confidently and contentedly. It behoves all officials to clearly apprehend the August intentions, and to pay profound attention to these points.

(Signed) MARQUIS YAMAGATA,
Minister President of State.

(Date) July 1st, 1899.

GENERAL INSTRUCTION NO. 10, OF THE MINISTER OF STATE FOR EDUCATION TO LOCAL GOVERNORS.

Since my assumption of office the condition of the schools has caused me much solicitude, and on the occasion of the assembling of the Governors of Prefectures and Cities last April, I urged them to give serious consideration to the question of correcting the conduct of students and making the school regulations more stringent. The time for the operation of the Revised Treaties is now only a few days distant, and His Majesty has graciously issued an Imperial Edict on the subject. Doubtless the number of foreigners visiting the interior of the country will greatly increase, and if, at such a time, students be left without proper control, and suffered to neglect the dictates of propriety by cherishing sentiments of petty arrogance, and behaving in a violent, outrageous, or vulgar manner, not only will the educational system be brought into discredit, but also the prestige of the country will be impaired and its reputation may even be destroyed. It is desired, therefore, that, in respectful accord with the August will, the directors of schools and the teachers should exert themselves to the utmost to effect reforms and to discharge their functions with such earnestness that educational methods may be freed from all errors.

(Signed) COUNT KABAYAMA.
Minister of State for Education.
1st July, 1899.

SPECIAL INSTRUCTION, NO. 11, OF THE MINISTER OF STATE FOR EDUCATION TO GOVERNMENT SCHOOLS.

The Schools under the direct control of the Government serve as models to all the public and private educational institutions throughout the country. It is therefore my earnest desire that the behaviour of the students at such schools should be regulated with notably strict regard to the canons of propriety, so that they may show themselves worthy of the station they occupy. The date of the operation of the Revised Treaties is now imminent, and His Imperial Majesty has issued a gracious Rescript. It may be expected that the coming and going of foreigners in the interior of the country will henceforth grow more frequent, and if, at such a time, students be left without proper control, and suffered to neglect the dictates of propriety by cherishing sentiments of petty arrogance, and behaving in a violent, outrageous, or vulgar manner, not only will the educational systems be brought into discredit, but also the prestige of the country will be impaired and its reputation may even be destroyed. For that reason I have addressed an instruction to the Local Governors urging them to guard against any defects in educational methods, and I am now constrained to appeal to the Government Schools which serve for models. I trust that those upon whom the functions of direction and teaching devolve, paying respectful attention to the August intention, will discharge their duties carefully towards the students, and, by securing the latter's strict adherence to rules, will contrive that they shall serve as a worthy example to the schools throughout the country.

(Signed) COUNT KABAYAMA,
Minister of State for Education,
July 1st, 1899.

With No. 323.

The Japan Daily Mail.

Yokohama, Monday, July 3. 1899

IMPERIAL RESCRIPT ON TREATY REVISION.

The Rescript which His Majesty the Emperor has issued in connection with the operation of the Revised Treaties will be read with satisfaction by foreigners, and can not fail to produce an excellent impression upon the public at large. The Emperor uses language of very exceptional force and frankness. It is an almost invariable rule that the expressions employed in a Japanese Imperial Rescript are comparatively colourless and unmarked by any evidence of strong feeling. But in the message just addressed to his people, the Emperor of Japan tells them that Treaty Revision has for years been to him an abiding object of desire (*nenrai no shukubo*); declares that its consummation has entailed exhaustive planning and repeated negotiations (*kikwaku wo tsukushi kōshō wo kasanete*), and speaks frankly of the heartfelt gratification (*chiushin no kinyei*) he derives from the achievement of this long purpose. It is, perhaps, difficult for foreigners in general to appreciate the moving effect that such language must exercise upon the Japanese people, whose mental attitude towards their Sovereign is still based on a profound belief in His Majesty's divine origin. We may be sure, however, that every Japanese will derive from this portion of the Rescript a conviction that the nation's mood should be one of deep gratitude, and that the Sovereign has invited his subjects to participate in his own satisfaction and to assist in completing it. Following upon these words comes a remarkable behest which can not fail to derive added force from such a preface. The Emperor, addressing himself to his people, whose devoted loyalty in the discharge of their public duties is conspicuous (*chiuftsu oyake ni hōzuru ni atsuki shimmin*), asks them to enter earnestly into his wishes (*fukaku chin ga i wo tai shite*), and all to unite with one heart (*okucho kokoro wo itsu ni shite*) in associating cordially with the people from afar (*yoku yenjin ni majiwari*), by which means, His Majesty says, the character of the nation will be upheld and the prestige of the empire enhanced. The significance that such expressions must convey to Japanese readers can scarcely be over-estimated. They have evoked comments of a very strong character from the leading vernacular journals, and they will come with the force of an irresistible command to the whole nation.

By the average foreigner, however, the last paragraph of the Rescript will probably be read with most interest. It is not easy to convey, by means of any concise translation, the full value of His Majesty's language. In speaking to his officials of the responsibilities that devolve on them in carrying out the treaties, the Emperor uses the words *Chin ga tame ni*, which literally mean, "for my sake," or "on my behalf," and which, in this context, amount to a frank declaration that the responsibilities primarily belong to the Sovereign himself, and that he invites his officials to discharge them on his account. As to the manner of their discharge, His Majesty lays down the broad principle that both natives and foreigners must enjoy equal benefits and advantages (*chiugai shimmin ni shte hitoshiku sono keitaku wo ukete*), so that, all sources of dissatisfaction being removed (*urami nakarashime*), amity and peace with the Powers may be strengthened and perpetuated. Nothing could be less equivocal. The Emperor declares in the plainest terms that it is his policy and desire to abolish all distinctions between natives and foreigners, and that, by pursuing that course, his people will best consult his wishes, maintain the character of the nation, and promote its prestige. It is a very gracious and enlightened Rescript, worthy of the epoch, and of the Sovereign under whose government Japan has risen to a position never before attained by an Oriental State.

Inclosure No. 323.

The Japan Daily Mail.

YOKOHAMA, MONDAY, JULY 3, 1899

IMPERIAL RESCRIPT ON TREATY REVISION.

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Encl. No. 323.

MINISTERIAL INSTRUCTIONS.

We need not comment at any length on the Instruction issued by the Minister President by way of corollary to the Imperial Rescript of the 30th ultimo. The gist of the document is contained in the sentence that, while duly asserting the rights which the Japanese themselves acquired under the Revised Treaties (*tōzen ware ni osamu-beki kenri wa seikaku ni kore wo hojisu*), the responsibility devolves upon the Government and the duty upon the people of safeguarding the rights of aliens so that they may one and all be able to reside confidently and contentedly in the country (*ono ono sono ando wo seshime tanoshimite waga kokunai ni jukyo seshimuru*). That is all that foreigners ask, and we can safely say that if the attainment of these most desirable objects depends upon the goodwill and the exertions of the Empire's leading statesmen, foreigners may rest easy.

Upon Count Kabayama's Instruction wider interest will centre. Has the Educational Department really recognised the necessity of introducing stricter discipline into the schools, and inculcating a different spirit into the students' attitude towards foreigners? It would appear that such is the case, and the officials of the Department are to be congratulated on the fact. The subject of rudeness to foreigners has often been discussed in these columns. We are firmly persuaded that it has its origin in the schools. Owing to a false construction placed by a professor of the Imperial University on the Imperial Rescript relating to Education, a spirit of more or less hostility to foreign religious creeds and their disciples has been inculcated in the schools, and, as a matter of course, that spirit is manifested in the demeanour of students towards foreigners. The evil is reflected in other directions also, but its source is the schools, and to correct it nothing is required except a slight change in the instruction given there. School teachers will now have before them this new Imperial Rescript declaring that cordial intercourse with foreigners is not only desired by His Majesty, but will also conduce to the country's reputation; and this Instruction from the Minister of Education, telling them that anything like truculent or rude behaviour towards foreigners will impair the nation's prestige and injure its fair fame. We may reasonably hope that these wholesome rules of conduct will replace the morbid conception of patriotism hitherto entertained by misguided students, and that the youth of the nation will be taught to regard civilized courtesy as one of the most conclusive evidences of national worthiness.

With Inc. 323.

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The Japan Daily Mail.

YOKOHAMA, TUESDAY, JULY 4, 1899.

THE VERNACULAR PRESS ON THE IMPERIAL RESCRIPT.

The leading vernacular newspapers refer in terms of strong satisfaction to the Imperial Rescript with reference to Treaty Revision, and are equally outspoken in their approval of the correlated Instructions of the Minister President and of the Minister of State for Education. The *Jiji Shimpo* predicts that the whole nation will welcome the Rescript, and respond with alacrity to His Majesty's behest. Passing on to the Prime Minister's Instruction, our contemporary seems to be specially pleased by the phrase that, while duly asserting the rights Japan has acquired, the responsibility devolves upon the Government, and the duty upon the people, of safeguarding the rights of foreigners, also, and enabling them to live confidently and contentedly in Japan. That reciprocity of obligation can not be too strongly inculcated. It is of the Instruction issued by the Minister of State for Education, however, that the *Jiji* speaks with the strongest approval. Our contemporary declares that the tendency shown by the student class to behave rudely towards foreigners is the outcome of a faulty educational system, and that the defect of the system is primarily due to the mistaken policy which school teachers have imbibed. The *Jiji* has repeatedly called attention to this lamentable state of affairs, but no visible effect has been produced by its writing. It now trusts that the desired reform will result from the Imperial Rescript and the Instructions based on it. Otherwise these wisely conceived messages will prove mere empty forms without any practical value.

The *Nichi Nichi* draws particular attention to the Emperor's injunction that all must unite in associating cordially with foreigners, since by that means the character of the nation will be preserved and its prestige enhanced. In olden times the Chinese used to call Japan a country of gentlemen, and foreigners were wont to applaud the courteous manners of her people. But since the war of 1894-5 a spirit of arrogance has prevailed. Many foreign writers have descanted upon it. They do not find any fault with Japanese institutions, but they condemn the want of discipline in the schools, and the rude behaviour of the students, and they record instances of stones thrown or scurrilous epithets addressed to strangers. The result is that a nation which aims at taking rank with Occidental peoples is classed with the Chinese and the Koreans. Such a state of affairs would call urgently for remedy even though the era of mixed residence were not about to be inaugurated. The fundamental policy of the *Meiji* era may be briefly summed up. It aimed, first, at unifying the administrative power, establishing constitutional institutions, and duly organizing all the Departments of State; secondly, at exchanging the unequal treaties concluded with foreign Powers for treaties of equality. These great purposes have now been accomplished, and the country bathes in the blessings of civilization. It would be most unhappy if the good work were marred by a continance of the abuses to which the Minister of Education refers.

The *Kokumin Shimbun*, after warmly applauding the sentiments expressed in the Rescript and the Ministrial Instructions, comments on the extraordinary hallucination which prompts some Japanese to think that patriotism consists in treating foreigners rudely. It is true that the phantasy has disappeared in great part, but remnants of it are still active. There are school instructors who teach their pupils that to regard aliens as enemies is to be loyal to one's own country. Some go so far as to allege, even in this era of constitutional liberty of conscience, that distinctions should be set up between alien and native forms of religion. A result of such doctrines is that among certain classes of people anti-foreign rudeness comes to be regarded as a legitimate method of self-assertion, and instances occasionally occur of stones being thrown at foreigners or opprobrious language applied to them. The Sovereign's plain declaration that acts of such a nature tend to lower the character and impair the reputation of the nation can not be too earnestly taken to heart by every unit of the people. Nor is it towards foreigners alone that the Japanese should be circumspect and polite. They should learn to treat each other also in a more considerate and courteous manner, and to eschew the unceremonious and ill-mannered conduct too often witnessed in railway trains and elsewhere. This revision of the Treaties is one great forward step, an event which makes the era memorable. Every unit of the nation is concerned to see that the fruits of the change are duly gathered.

If the result of Treaty Revision, says the *Shogyo Shimpo*, is to make the people lose caste in the eyes of foreigners so that the latter learn to despise them, it would have been better to have had no revision at all. Unless mutually kindly relations can be established with the foreign residents, it will be impossible for them to live here, and they will conclude that treaties on an equal footing ought never to have been conceded to the Japanese. Thus the end for which Japan has worked so diligently will be forfeited.

The *Jimmin*, after premising that the position Japan has happily won among the nations is due to the Emperor's wisdom and virtues, and after repeating the fact that Treaty Revision has imposed new responsibilities upon the country, goes on to note that Japan is the first Oriental Power which has obtained admittance to the comity of Western nations on equal terms, and that it behoves her to set a worthy example to the other peoples of the East in her manner of enjoying her novel privilege, since the result may greatly influence the future progress of civilization. The reputation of the nation and the prestige of the empire depend upon the uses to which the country's newly acquired rights are put.

We should add that the *Jiji Shimpo* expresses a confident hope that, in the face of the Emperor's Rescript, the Educational Department will finally abandon the illiberal and discreditable anti-foreign legislation which it recently asked the High Educational Council to endorse.

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With No. 323.

WAR MINISTER'S INSTRUCTION CONCERNING THE REVISED TREATIES.

Under date of July 3rd, General Viscount Katsura, Minister of War, issued, according to the *Japan Times*, the following instruction concerning the operation of Revised Treaties: "Since the day of His Majesty's ascension to the throne his august mind has been in constant anxiety over the grave task of remodelling, on one hand, the laws and institutions of the realm, and on the other of revising Treaties, that this nation may come to enjoy the status of equality *vis-a-vis* other countries. It was in the 4th year of *Meiji* (1871) that the Emperor for the first time commanded the Ministers of State to attend to the affair of treaty revision. From that time onward repeated negotiations had been entered into on the question with different Powers, while every loyal subject of His Majesty has kept on praying most earnestly for a successful consummation that the noble wish may be satisfied. At last the Powers having agreed one after another to comply with the demand of the country, the work of the revision of treaties was satisfactorily completed, and the date of the operation of the new Treaties leaves only a few days. In other words, the system of consular jurisdiction shall be abolished while the customs tariff schedule has been amended in a way favourable to the national Treasury; in short, the nation has been enabled to stand on equal footing with the civilized Powers of the West, and to efficiently assert its prestige. All these are entirely attributable to the great virtues of the Emperor, and his Majesty's loyal subjects, in enjoying this boon, must ever keep before their eyes the wish of the Emperor and must exercise utmost circumspection, so that nothing amiss may happen to mar the reaping in full all the benefit arising from the new system. This remark especially applies to the soldiers, who are the bulwark of the Imperial Court and pillars of state.

The successful revision of Treaties has placed the country on a footing equal with Western Powers, but it must not be forgotten that at the same time grave responsibilities thereby devolve upon it. On the morrow of the operation of Revised Treaties foreigners will come and go as they like, will freely fix their abodes or pursue business in the interior, and in consequence the people will have far greater occasions than before of coming into contact with foreigners. Now history both Japanese and foreign shows that international troubles have had their origin very frequently in the daily intercourse between the people of a land and aliens. Consequently the people of this Empire now that the system of mixed residence will be inaugurated, must act with discretion and magnanimity towards foreign neighbours, so that the reality of being a civilized Power may be manifested in the eyes of foreign nations, and that any accident involving trouble with foreign countries may be efficiently guarded against. The reputation of our soldiers as sincere and loyal subjects of His Majesty, faithful in the discharge of the public duties, and, as the flower of the nation, imbued with the spirit of manly valour, is acknowledged alike at home and abroad. Suppose the soldiers crowned with such renown and praise be betrayed into committing indiscrete acts towards foreigners, the consequence will not only result in affecting the dignity of the troops, but may even invite ignominy upon the nation and involve the Imperial Court in difficulty. Bearing all these points in mind the troops must strictly be on their guard against all indiscrete actions.

Troops in general are under discipline, and that ours are strictly so is a point I fully acknowledge. But it may not be amiss to issue a warning on the present occasion, for, at the outset of the operation of the Revised Treaties, non-commissioned officers and privates, carried by the ardour of their youthful spirit, and unable to keep it under control, may be betrayed into engendering troubles with foreigners, a contingency which must be strictly warned against, it affecting to no small extent the reputation of our soldiers. In view of this, commanders of troops and others who are officially responsible for maintaining military discipline must exhort troops under them to avoid all indiscrete actions, and must order them at this juncture to conform to military discipline with greater exactness than ever, and to keep their ardour under judicious control, to the end that they may not be betrayed into behaving themselves in a vulgar and rude manner towards foreigners, that they may be made to enhance to greater prominence the reputation already enjoyed by them and may faithfully respond to the august wish of His Majesty.

All that has been stated above being duties naturally attaching to soldiers may not require any special explanation from me. The only reason why I have decided specially to call your attention to this matter is because the operation of the revised Treaties demands utmost circumspection from all quarters. I hope that you will appreciate my solicitude and will endeavour to strictly obey the ideas set forth in the Imperial Rescript."

VISCOUNT KATSURA,
Minister of War.

July 1st, 32nd year of *Meiji* (1899.)

The Japan Times.

TOKYO, THURSDAY, JULY 6TH, 1899.

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July 1, 32nd year of *Meiji* (1899)

Viscount KATSURA, Minister of War.

With Dw. 323

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THE COMMUNICATIONS MINISTER AND THE OPERATION OF REVISED TREATIES.

Under date of the 5th inst. Viscount Yoshikawa, Minister of Communications, has issued the following instruction :—

"The consummation of the memorable work of the revision of Treaties taking its origin in the grand policy of progress and enlightement ushered in by the Restoration, is a realization which has been earnestly aspired after by the nation. The date assigned for the operation of the new Treaties drawing near, His Majesty the Emperor has solemnly promulgated an Imperial Rescript on the subject. I indeed think that the number of foreigners visiting the interior will after the advent of the new system, continue to increase. Now the Department of the Communications forming the organ of national and private communication and intercourse, and being in consequence placed in a position most closely in touch with the interest of the general public, its officers and officials are naturally expected to discharge their duties with dispatch and punctuality and to treat their clients with courtesy and patience. Such is the general principle by which all the authorities and employés of the Department should be guided in their conduct toward the public and in so doing it is needless to say that they should not allow themselves to be swayed by spirit of racial or national prejudice. The officials of the Department should keep the above point ever in view that they may satisfactorily fulfil their official trust. Especially in dealing with foreigners whose languages and customs are different to ours and with whom misunderstandings may arise, will it be important to exercise extreme circumspection in all affairs, from explaining to their satisfaction points in the Treaties and laws down to obeerving little ways of obliging and exchanging courtesies with them so that the smooth operation of the new system may, in conformity with the wish of the Emperor, be consummated."

Enclosure No. 823.

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With Rv. 323

THE NOSHOMUSHO AND THE OPERATION OF THE REVISED TREATIES.

In view of the approaching operation of the revised Treaties, the Departments of Education, of War, and of Communications issued timely instructions as already reproduced in these columns No such special instructions have been issued by the Department of Agriculture and Commerce, but a speech which Mr. Fujita, Vice-Minister of the Department, recently made before the meeting of prefectural Governors would go far toward making up for this absence. The following points may be cited from the Vice-Minister's speech;—(1) Agriculture—Japan, the Vice-Minister is reported to have stated, is at liberty to enact laws prohibiting or restraining foreigners' engaging in agriculture, there being no clause in the Treaties investing them with the right. Mr. Fujita, however, thinks that, under the present circumstances, an illiberal step is out of place. Hokkaido is under the jurisdiction of Home Office, but so far as the Noshomusho is concerned he thought the island might without inconvenience be opened to foreigners' agricultural undertakings. (2) Fishery—He was of opinion that no restriction whatever is necessary to foreigners' undertaking the industry at present. (3) Forestery—Transaction of forest produce and the lease of forests and plains may be granted to foreigners to the full extent permitted by the treaties and laws now in force. (4) No special treatment of foreigners is necessary in their practicing veterinary art and horse shoing, there being a provision granting such license to those who graduated foreign schools on these special profession and trade. (5) The game law will be applied in its full force to foreigners excepting Chinese, who, according to Art. 16 of the law, will not be allowed to engage in shooting, or hunting beyond the treaty limits. (6) Foreigners are entitled to become shareholders of any company other than those in which the holding of shares by foreigners is prohibited by its by-law. The right of deciding the admission or otherwise of foreigners as shareholders of a company rests with the shareholders themselves, and no special provision shall be made for foreigners by the Government. But the Government is authorized, if necessary, to deny to foreigner eligibility to the board of directors. No company under the jurisdiction of the Agricultural and Commercial Department, however, calls for such a restriction. (7) The Government has under consideration the question of eligibility of foreigners to the membership of a chamber of commerce or their right of nominating members, but the opinion of the Department is in favour of extending the privilege to foreigners. (8) The provision in the Exchange Law reserving from foreigners the right of becoming brokers will not be altered, and in the case of an exchange organized on membership basis the provision to the same effect will be left unmodified. (6) No exclusion of foreigners is considered necessary in the Law relating to Guilds of Exporters of Staple Products, except in a locality where such a course is essential in consideration of the local circumstances. (10) As to the system of weight and measure, no special provision is thought necessary to foreigners, except the yard system concerning which the Authorities are making investigations with a view to providing a special control.

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mailed to Minister Buck,
Aug 24/99 J.T.C.

Subject:

New regulations and fees of Customs Law.

UNITED STATES LEGATION,
TOKYO, JAPAN.

NO. 324.

July 7, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to enclose herewith translations of new regulations relating to the operation of the revised Customs Law and the fees connected therewith.

I have the honor to be,

Sir,

Your obedient servant,

Wm. Buck

Enclosure:

Translation of regulations relating to operation of new Customs Law, and revised rate of fees.

CONTENTS.

toms Regulations and Fees in Japan.

No. 512.

Issued daily, except Sundays and legal holidays, by the Bureau of Foreign Commerce, Department of State, to which applications for copies should be addressed.

ADVANCE SHEETS

OF

CONSULAR REPORTS.

AUGUST 25, 1899.

USTOMS REGULATIONS AND FEES IN JAPAN.

The Department has received from Minister Buck, under date of okyo, July 7, 1899, the following printed copies of the new regutions of the revised customs law and the fees connected therewith:

Regulations for Execution of the Customs Duties Law.

[Imperial ordinance No. 319, June 29, 1899.]

APTER I.—ASSESSMENT AND COLLECTION OF, AND SECURING FOR, THE CUSTOMS DUTIES.

Article 1. A person who desires to enjoy the benefit of special conventions acrding to the proviso of article 1 of the customs duties law shall produce the proof at the goods he is importing are the produce or manufacture of the locality to nich such special conventions are applicable. But postal matter and the goods which the dutiable amount does not exceed 100 yen are excepted.

Art. 2. The proof mentioned in the preceding article shall require the produc-n of a certificate of the original place of produce or manufacture made by the perial consulate or commercial agency at the locality of produce, manufacture, shipment of the goods; but if their is neither imperial consulate nor commercial ency, a certificate document made by the custom-house office or any other govnment or public authorities or chamber of commerce of the locality.

In the certificate mentioned in the preceding paragraph, there shall be stated e marks, numbers, nature, and quantity of the goods, number of packages, and e place of produce or manufacture.

Art. 3. Collection of the duty shall be notified to the payer by a document incating the amount of duty and the treasury to which it is payable. But no such tice shall be issued unless it is made payable to a treasury.

Art. 4. The payer, on receipt of the notice mentioned in the preceding article, all pay the amount of duty to the treasury so indicated.

Art. 5. When a customs official examines and directly collects duties on pasngers' baggage, or on the goods mentioned in the proviso of article 24 of the cusms duties law, the attendance of other Government or public officers is required.

On collection of duties according to the preceding paragraph, the official shall

btain a certification from the Government or public office on attendance and make eport to the custom-house.

ART. 6. When a post-office receives a notice of the amount of duty payable on ostal matter according to article 42 of the customs duties law, it shall notify the ddresses before it is delivered.

ART. 7. The person so notified, as mentioned in the preceding article, shall af- x on the notice revenue stamps equal to the amount of duty and present it to the ost-office.

ART. 8. The post-office, on receipt of the document mentioned in the preceding rticle, shall send it to the custom-house concerned.

ART. 9. A person who desires to claim a reduction of duty according to article 2 f the customs duties law shall present a document to the custom-house stating the arks, numbers, nature, quantity, and original value of the damaged goods, mis- ellaneous expenses thereof, and the principal reasons for the claim.

ART. 10. The securities to be furnished for payment of duties are limited to oney and negotiable public bonds.

ART. 11. The security to be furnished shall be deposited in the treasury, and its eceipt shall be presented to the custom-house.

ART. 12. The custom-house may require an additional security to be furnished f the value of the negotiable bonds already furnished becomes depreciated.

ART. 13. When the security is to be sold publicly according to the proviso of rticle 6 of the customs duties law, the fact shall be advertised, and it shall be sold y auction, after an elapse of at least three days from the first day of advertisement.

ART. 14. In the advertisement shall be mentioned the domicile or residence and ame of the furnisher of security, the kinds and value of bonds, the time and place f sale by auction, and other necessary particulars.

ART. 15. The public sale shall not take place in case the amount of duty and xpenses have been paid before its execution.

ART. 16. If there is any surplus to be returned to the furnisher of security, ac- ording to the proviso of article 6 of the customs duties law, it may be deposited in he treasury.

CHAPTER II.—DETAILS REGARDING VESSELS.

ART. 17. The entrance notice of a vessel shall be given by means of a document tating the name, nationality, and registered tonnage of the vessel, the last port of all, and the number of crew at the time of arrival.

ART. 18. In the vessel's manifest there shall be described the name and nation- lity of the vessel, the ports of shipment and destinations of cargo, and the latter's arks, numbers, nature, and quantity, number of packages, and the consignees' ames. In the manifest to be produced according to article 15 of the customs uties law there shall be stated, besides the particulars mentioned in the preceding aragraph, the ports where the cargo is to be discharged.

ART. 19. The statement of entrance to the hold shall contain the location and umber of entrance to the hold; the list of articles for ship's use shall contain the inds, quantity, and estimated value of the articles for ship's use; and the list of assengers shall contain their names and nationalities and the ports of their em- arkation and debarkation.

ART. 20. When it is desired to obtain the permission for a vessel carrying foreign oods for shipping and discharging cargo before the production of manifest, an pplication in writing shall be made to the custom-house stating the particular easons for it.

ART. 21. The clearance notice of a vessel shall be given by means of a document tating the name and nationality of the vessel, the port of destination, and the time f departure.

ART. 22. The clearance permission of a vessel engaged in foreign trade shall be ven by means of a document, and at the same time the ship's register and other cuments shall be returned.

ART. 23. When it is desired to obtain the special permission of the superintend- t of customs for a vessel carrying foreign goods for shipping and discharging rgo between sunset and sunrise or on a customs holiday, an application in writing all be made to the custom-house stating the reasons for it.

ART. 24. The person who has obtained the special permission mentioned in the eceding article shall pay a fee for it; but an exception is made when it is only a atter of the shipping and discharging of domestic goods on a coasting vessel car- ing foreign cargo.

ART. 25. When a police officer has received the report mentioned in the second ragraph of article 18 of the customs duties law, he shall immediately inform the stom-house or customs station governing the locality.

ART. 26. When it is desired to transport from an unopened port to an open one y foreign goods mentioned in article 16 of the customs duties law, the master of ssel shall make an application in writing stating the port of discharge, nature the cargo, and its number and quantity.

ART. 27. When it is desired to land temporarily any foreign goods, the master all report to the custom-house, or if there is no custom-house, to customs official police officer, by means of a document stating the marks, numbers, nature, and uantity of the goods and number of packages. But if unable to report previously account of shipwreck or other unavoidable cause, he shall do so immediately ter they are landed.

ART. 28. The report mentioned in article 21 of the customs duties law shall be ade by means of a document stating the nature, quantity, and value of the rticles.

ART. 29. When a coasting vessel is compelled to call at a foreign port on account stress of weather or other unavoidable cause, the master shall report the fact, on turn, to the custom-house governing the locality.

If the vessel mentioned in the preceding paragraph had taken on board any ar- cle for ship's use at a foreign port, a list containing their nature, quantity, and riginal value shall be presented to the custom-house governing the locality on turn.

CHAPTER III.—DETAILS REGARDING GOODS.

Section 1.—General rules.

ART. 30. A person who desires to obtain special permission to send goods to the ustom-house or to remove or dispatch them between sunset and sunrise or on a ustoms holiday shall make an application in writing to custom-house stating the eason.

ART. 31. The person who has obtained the special permission mentioned in the receding article shall pay a fee for the same.

ART. 32. A person who desires to obtain the special permission to land and ship oods and communicate between a vessel and shore at places other than those ap- ointed for the purpose by the customs, shall make an application in writing to ustom-house, stating the places, time, and nature of goods.

If the conditions under which the special permission is granted are disobeyed, he custom-house shall nullify the permission.

ART. 33. The custom-house may grant special permission to examine goods utside of the premises of custom-house or customs branch office. But in the case f the proviso attached to article 24 of the customs duties law no special permission s required.

person who desires to obtain the special permission mentioned in the preced-
aragraph shall make application in writing, stating the place, time, and nature
oods.

person who has obtained the special permission mentioned in the present
e shall pay a fee for the same.

Section II.—Details regarding exportation and reimportation of goods.

RT. 34. Export entry shall be made by means of a document stating the name
nationality of the vessel on which the goods are to be shipped; the marks,
bers, nature, quality, and value of the goods, number of packages, and the port
estination. But for passengers' luggage no document is required.

f the goods to be exported are foreign produce, the place of produce shall be
tioned also.

n the export entry of the goods to be exported for repair and to be reimported,
bject of exportation and the place and period of reimportation shall be men-
ed also.

f the place of reimportation mentioned in the preceding paragraph is changed,
fact shall be reported in writing to the custom-house at the port of exportation.

RT. 35. A person who desires to export, within full six months from the day
mportation, the goods from which the duty was exempted according to arti-
6 of the customs tariff law, or to export the goods imported in transit, shall pro-
e at the custom-house the import permit or customs certificate having equal
dity at the time of making export entry.

On giving permission for the exportation of the goods mentioned in the preced-
paragraph, the import permit or certificate shall be returned the holder indorsed
xported."

RT. 36. The provision of the first paragraph of article 34 is applicable to reim-
t entries.

Section III.—Details regarding importation of goods.

RT. 37. Import entry and list of goods in transit shall contain the statement
he name and nationality of the vessel on which the goods have been carried,
place of their purchase, the place of produce or manufacture, the marks,
mbers, nature, quantity, and original value of the goods, number of packages,
miscellaneous expenses.

RT. 38. Passengers' baggage may be declared verbally.

RT. 39. A person who intends to import the goods to which the provisions of
cles 5, 10, and 11 of the customs tariff law are applicable and to claim the ex-
ption of duty, shall produce the export permit or customs certificate having the
al validity at the time of making import entry.

RT. 40. A person who intends to import the goods mentioned in article 6 of the
toms tariff law shall state in the import entry the object of importation, and
port of the exportation also.

When the port of exportation is changed, the fact shall be reported in writing to
custom-house at the port of importation.

RT. 41. In the import entry of the goods imported for the purpose of transit
d the list of goods in transit there shall be stated the object of importation, and
port of exportation also.

RT. 42. A person who desires to obtain the permission to remove goods before
import permit is granted according to the proviso of article 34 of the customs
ties law shall make an application in writing to custom-house stating the rea-
s; and one who desires to obtain the permission to remove in lots the goods
ted on an import entry shall give description of the marks, numbers, nature,
d quantity of the goods, besides the date of import entry being made.

ART. 43. The invoices of goods shall be returned to the owners at the time the import permit is granted.

ART. 44. A post-office on landing foreign mail shall inform the custom-house interested.

The examination of the mail shall require the attendance of postal officials.

ART. 45. When any mail matter can not be delivered to the addresses, the post-office shall return to the custom-house, stating the reasons thereof, the notices of payment issued according to article 42 of the customs duties law.

Section IV.—Transportation of goods.

ART. 46. Transportation entry of goods is made by means of a document stating the name and nationality of the vessel on which the transportation is to be made, the port of landing, the distinction of domestic from foreign goods, the marks, numbers, nature, quantity, and value of the goods, and number of packages.

ART. 47. On arrival at the port of discharge of the goods in transportation, the transportation permit shall be produced at the custom-house.

The custom-house, on receipt of the permit mentioned in the preceding paragraph, shall examine the goods and, if found to agree with the permit, return the latter to the owner indorsed thereon "transported."

Section V.—Details regarding storage of goods.

ART. 48. In the notice mentioned in article 47 and the application mentioned in article 48 of the customs duties law there shall be described the marks, numbers, and nature of goods and number of packages.

ART. 49. In the notice mentioned in article 51 of the customs duties law there shall be described the particulars mentioned in the preceding article, the reasons for auction, the time and place of auction, and other necessary particulars.

ART. 50. The rates of charges for so stored goods shall be determined by the Minister of Finance.

CHAPTER IV.—PROTESTS.

ART. 51. In a written protest regarding the assessment of duty there shall be stated the causes and reasons for objection and the dates on which the demand was made and action taken. If there are any documents or articles relating thereto, the fact shall be indorsed thereon.

ART. 52. In a written decision on the protest there shall be stated the domicile or residence and name of the person making the protest, the causes of protest, and ground and principal points of the decision.

ART. 53. The delivery of a written decision shall be made by means of a messenger. But it may be made by way of a registered post.

ART. 54. On delivery of a written decision, a receipt shall be obtained.

ART. 55. When a written decision can not be delivered, owing to uncertainty of domicile or residence of the person making the protest or to any other causes, the principal points of the decision fact shall be notified publicly.

In the case mentioned in the preceding paragraph, the written decision shall be considered as duly delivered after a lapse of seven days, counting from the day of the notification.

ART. 56. When it is intended to purchase goods or cause them to be valued by appraisers according to article 63 of the customs duties law, the person making the protest shall be notified thereof.

ART. 57. The person making the protest, upon receipt of the notice regarding the valuation of goods according to the preceding article, shall select his appraisers and report their occupation, domicile, residence, and names within seven days and obtain the approval of the superintendent of customs. But the period prescribed

e present article may be prolonged on request of the person making the pro-
if the superintendent of customs deems it necessary.

RT. 58. When the superintendent of customs considers unsuited the appraisers
ted by the person making the protest, he shall order their reselection within
her period indicated.

RT. 59. On approval of the appraisers, the superintendent of customs shall
int the time and place of the valuation of the goods and notify thereof the per-
making the protest.

RT. 60. On conclusion of the valuation, the appraisers shall draw up a state-
t giving fully the reasons for their valuation and present it to the customs.

RT. 61. The superintendent of customs, upon conclusion of the valuation, shall
fy the person making the protest of the value of goods to be assessed.

HAPTER V.—INVESTIGATION AND ACTION TAKEN IN CASES OF INFRACTION OF THE LAW.

RT. 62. Any articles seized shall be sealed up by the officials making the seizure.

RT. 63. In the list of articles seized, there shall be stated the names and quan-
of the articles, the time and place of seizure, and the domicile or residence and
e of the owners of the articles.

RT. 64. When seized articles are placed in custody of the owner or the mu-
pal office of the city, town, or village, a receipt shall be taken therefrom, and if
ustody of the municipal office of the city, town, or village, the owner at the
e of seizure shall be notified of the fact.

RT. 65. When seized goods are to be disposed of by public sale according to ar-
e 90 of the customs duties law, they shall be sold by auction after advertisement.
In the advertisement mentioned in the preceding paragraph, there shall be de-
bed the nature and quantity of articles, the reason for sale by auction, the time
place of auction, and other necessary particulars.

RT. 66. In the statements regarding a visit of inspection, search, or interro-
ion, there shall be described the facts, time, and the particulars of information
ained.

RT. 67. On conclusion of an investigation of infraction of the law, the customs
ial shall make a report to the superintendent of customs.

RT. 68. The notice to be given for the action taken as mentioned in article 94
he customs duties law shall be made by the delivery of a note.
In the note there shall, besides the particulars mentioned in article 94 of the
oms duties law, be stated the minute facts regarding the infraction of the law,
quantity of articles, and the time and place of payment of money or delivery
rticles.

RT. 69. The provisions of articles 53 and 54 shall apply to the delivery of the
e of the action taken.

RT. 70. When the articles liable to confiscation are under custody of the mu-
pal office of the city, town, or village, the formality of their delivery shall take
e, leaving them in custody of the same.

RT. 71. If there are any seized articles at the time the superintendent of cus-
s institutes proceedings against an infraction of the law, they shall be transferred
he legal court with a list of the seized articles.
f the seized articles mentioned in the preceding paragraph are under custody of
owner or municipal office of city, town, or village, the custodian shall be noti-
of the fact of transference of the articles.

RT. 72. All the documents concerning the investigation and action taken in
s of infraction of the law shall be sealed across every juncture of pages, and
y letter added or erased and every marginal note shall be sealed thereon.

The erasure of letters shall be done so as to leave the letters legible and the al number of the letters shall be indorsed.

APTER VI.—HOURS OPEN FOR THE TRANSACTION OF BUSINESS AT CUSTOM-HOUSE AND SPECIAL OPENING OF THE OFFICES.

ART. 73. The hours open for the transaction of business at custom-house are om 9 a. m. to 4 p. m., exclusive of holidays.

ART. 74. A person who desires to obtain the special permission for opening of e offices, besides the hours open for the transaction of business, shall make an plication in writing to the custom-house, stating the hours to be opened and the ture of work to be done during those hours.

The person who has obtained the special permission mentioned in the preceding ragraph shall pay a fee for it.

CHAPTER VII.—MISCELLANEOUS RULES.

ART. 75. A shipmaster who desires to obtain the special permission mentioned article 98 of the customs duties law shall apply in writing to the superintendent customs, stating the name of the port, the name and nationality of the vessel, e period of stay and the reasons for the same, and, if it relates to landing of any oods, the nature and quantity of the goods.

Upon obtaining the special permission mentioned in the preceding paragraph, e master shall pay a fee for it into the custom-house.

ART. 76. A person who asks for a certificate of customs or a statistical table garding ships or merchandise shall pay a fee for each.

ART. 77. The Minister of Finance can levy fees from those who make use of lers, cranes, grounds, buildings, or articles belonging to the customs.

ART. 78. The rates of the fees shall be determined by the Minister of Finance.

ART. 79. The fees may be paid by means of revenue stamps.

The revenue stamps for payment of the fees shall be affixed to the application rms of payment.

ART. 80. The customs and revenue officials are strictly forbidden, either directly r indirectly, to purchase any articles seized or confiscated, any goods in storage nd securities deposited for duties, when they are sold by the officers so authorized.

ART. 81. All documents to be drawn up by the officers authorized, according to e customs duties law or the present regulations, shall be inscribed with the name f the Government establishment or the official titles and names and duly dated nd sealed.

ART. 82. All applications and other documents shall be inscribed with the ationality and domicile or residence of the applicant and the date of application, uly signed by the applicant.

ART. 83. All documents to be sent to a custom-house or superintendent of cus- oms shall be presented to the customs branch office, if it happens within the juris- ictions of such a branch office.

Except the preceding paragraph, all provisions regarding the customs are appli- able to customs branch office.

SUPPLEMENTARY RULES.

ART. 84. The present regulations shall take effect on the day on which the cus- oms duties law comes into force. But the provisions of articles 1 and 2 shall not ake effect until six months shall have elapsed, counting from the day on which the ustoms duties law comes into force.

ART. 85. The imperial ordinance No. 385 of the thirtieth year of Meiji shall be bolished from the day on which the entire portion of the present regulations shall e enforced.

The imperial ordinance No. 385 relates to the certification of original places of oduce or manufacture of imported goods to enable them to enjoy the benefit of the nventional tariff.

New Customs Fees.

By ordinance No. 34 of the treasury department, a new schedule of customs fees s been announced to be enforced on and after August 4 of this year.

	Yen.	
es for over-time service on ordinary days:		
From 4 p. m. to 6 p. m.	30	=$14.94
From 4 p. m. to 12 p. m.	90	= 44.82
From 4 p. m. to past 12 p. m.	190	= 94.62
From dawn to 10 a. m.	40	= 19.92
(Special arrangement for cases of service to be continued over night.)		
es for special service on holidays and Sundays:		
From 10 a. m. to 4 p. m.	50	= 24.90
From 10 a. m. to 6 p. m.	80	= 39.84
From 10 a. m. to 12 p. m.	140	= 69.72
From 10 a. m. to past 12 p. m.	240	=119.52
From dawn to 10 a. m.	40	= 19.92
(Special arrangement for cases of service to be continued over night.)		
es for over-time service on ordinary days and special services on olidays and Sundays at customs branch offices:		
From dawn to sunset.....per hour or fraction...	2	= .99
From sunset to dawn.....do.....	3	= 1.49
es for lading, unlading, delivery, acceptance, or forwarding on rdinary days:		
From sunset to dawn.....per hour or fraction...	3	= 1.49
es for lading, unlading, delivery, acceptance, or forwarding on ustoms holidays and Sundays:		
From dawn to sunset.....per hour or fraction...	2	= .99
From sunset to dawn.....do.....	3	= 1.49
es for lading, unlading, delivery, acceptance, or forwarding on rdinary days at customs branch offices:		
From sunset to dawn.....per hour or fraction...	1½	= .74
es for lading, unlading, delivery, acceptance, or forwarding on olidays and Sundays at the same:		
From dawn to sunset.....per hour or fraction...	1	= .49
From sunset to dawn.....do.....	1½	= .74
es for inspection outside the compounds of customs or customs ranch offices:		
Per hour or fraction.....	3	= 1.49
(When traveling expense is involved the same shall be borne by the applicant.)		
es for permission to visit a noncustoms port:		
Per visit.....	10	= 4.98
es mentioned in article 76 of the customs tariff operation rules:		
(1) Certificate .....per case...	2	= .99
(2) Daily export and import returns.....per month...	20	= 9.96
(3) Other returns relating to ships and goods.....per case...	0½	= .24

Article 76 of the operation rules state: "Those who wish to obtain from customs rtificate or returns pertaining to ships or goods must pay fees."

With No. 324.

REGULATIONS FOR EXECUTION OF THE CUSTOMS DUTIES LAW.

IMPERIAL ORDINANCE No. 319.

(Promulgated the 29th June, 1899.)

CHAPTER I.—Assessment and collection of, and securing for, the Customs Duties.

ART. 1.—A person who desires to enjoy the benefit of special conventions according to the proviso of Article 1 of the Customs Duties Law shall produce the proof that the goods he is importing are the produce or manufacture of the locality to which such special conventions are applicable. But postal matter and the goods of which the dutiable amount does not exceed 100 *yen* are excepted.

ART. 2.—The proof mentioned in the preceding Article shall require the production of a certificate of the original place of produce or manufacture made by the Imperial Consulate or Commercial Agency at the locality of produce, manufacture, or shipment of the goods; but if there is neither Imperial Consulate nor Commercial Agency, a certificate document made by the Custom House Office or any other government or public authorities or Chamber of Commerce of the locality.

In the certificate mentioned in the preceeding paragraph, there shall be stated the marks, numbers, nature, and quantity of the goods, number of packages and the place of produce or manufacture.

ART. 3.—Collection of the duty shall be notified to the payer by a document indicating the amount of duty and the treasury to which it is payable. But no such notice shall be issued unless it is made payable to a treasury.

ART. 4.—The payer, on receipt of the notice mentioned in the preceding Article shall pay the amount of duty to the treasury so indicated.

ART. 5.—When a Customs official examines and directly collects duties on passengers' baggage, or on the goods mentioned in the proviso of Article 24 of the Customs Duties Law, the attendance of other Government or public officers is required.

On collection of duties according to the preceding paragraph the official shall obtain a certification from the Government or public office on attendance and make report to the Custom House.

ART. 6.—When a post office receives a notice of the amount of duty payable on postal matter according to Article 42 of the Customs Duties Law, it shall notify the addresses before it is delivered.

ART. 7.—The person so notified, as mentioned in the preceding Article, shall affix on the notice revenue stamps equal to the amount of duty and present it to the post office.

ART. 8.—The post office, on receipt of the document mentioned in the preceding Article, shall send it to the Custom House concerned

ART. 9.—A person who desires to claim a reduction of duty according to Article 2 of the Customs Duties Law shall present a document to the Custom House stating the marks, numbers, nature, quantity, and original value of the damaged goods, miscellaneous expenses thereof and the principal reasons for the claim.

ART. 10.—The securities to be furnished for payment of duties are limited to money and negotiable public bonds.

ART. 11.—The security to be furnished shall be deposited in the treasury and its receipt shall be presented to the Custom House.

ART. 12.—The Custom House may require an additional security to be furnished if the value of the negotiable bonds already furnished becomes depreciated.

ART. 13.—When the security is to be sold publicly according to the proviso of Article 6 of the Customs Duties Law, the fact shall be advertised and it shall be sold by auction, after an elapse of at least three days from the first day of advertisement.

ART. 14.—In the advertisement shall be mentioned the domicile or residence and name of the furnisher of security, the kinds and value of bonds, the time and place of sale by auction and other necessary particulars.

ART. 15.—The public sale shall not take place in case the amount of duty and expenses have been paid before its execution.

ART. 16.—If there is any surplus to be returned to the furnisher of security, according to the proviso of Article 6 of the Customs Duties Law, it may be deposited in the treasury.

CHAPTER II.—Details regarding vessels.

ART. 17.—The entrance notice of a vessel shall be given by means of a document stating the name, nationality, and registered tonnage of the vessel, the last of port call and the number of crew at the time of arrival.

ART. 18.—In the vessel's manifest there shall be described the name and nationality of the vessel, the ports of shipment and destinations of cargo and the latter's marks, numbers, nature, and quantity, number of packages, and the consignee's names. In the manifest to be produced according to Article 15 of the Customs Duties Law there shall be stated, besides the particulars mentioned in the preceding paragraph, the ports where the cargo is to be discharged.

ART. 19.—The statement of entrance to the hold shall contain the location and number of entrance to the hold; the list of articles for ship's use shall contain the kinds, quantity, and estimated value of the articles for ship's use, and the list of passengers shall contain their names and nationalities and the ports of their embarkation and debarkation.

ART. 20.—When it is desired to obtain the permission for a vessel carrying foreign goods for shipping and discharging cargo before the production of manifest, an application in writing shall be made to the Custom House stating the particular reasons for it.

ART. 21.—The clearance notice of a vessel shall be given by means of a document stating the name and nationality of the vessel, the port of destination, and the time of departure.

ART. 22.—The clearance permission of a vessel engaged in foreign trade shall be given by means of a document and at the same time the ship's register and other documents shall be returned.

ART. 23.—When it is desired to obtain the special permission of the superintendent of customs for a vessel carrying foreign goods for shipping and discharging cargo between sunset and sunrise or on a customs holiday, an application in writing shall be made to the Custom House stating the reasons for it.

ART. 24.—The person who has obtained the special permission mentioned in the preceding Article shall pay a fee for it. But an exception is made when it is only a matter of the shipping and discharging of domestic goods on a coasting vessel carrying foreign cargo.

ART. 25.—When a police officer has received the report mentioned in the second paragraph of Article 18 of the Customs Duties Law, he shall immediately inform the Custom House or Customs Station governing the locality.

ART. 26.—When it is desired to transport from an unopened port to an open one any foreign goods mentioned in Article 16 of the Customs Duties Law, the master of vessel shall make an application in writing stating the port of discharge, nature of the cargo, and its number and quantity.

ART. 27.—When it is desired to land temporarily any foreign goods, the master shall report to the Custom House, or if there is no Custom House, to customs official or police officer, by means of a document stating the marks, numbers, nature, and quantity of the goods and number of packages. But if unable to report previously on account of shipwreck or other unavoidable cause, he shall do so immediately after they are landed.

ART. 28.—The report mentioned in Article 21 of the Customs Duties Law shall be made by means of a document stating the nature, quantity, and value of the articles.

ART. 29.—When a coasting vessel is compelled to call at a foreign port on account of stress of weather or other unavoidable cause, the master shall report the fact, on return, to the Custom House governing the locality.

If the vessel mentioned in the preciding paragraph had taken on board any articles for ships' use at a foreign port, a list containing their nature, quantity, and original value shall be presented to the Custom House governing the locality on return.

CHAPTER III.—Details regarding goods.

SECTION I. General Rules.

ART. 30.—A person who desires to obtain special permission to send goods to the Custom House or to remove or despatch them between sunset and sunrise or on a Customs holiday shall make an application in writing to Custom House stating the reason.

ART. 31.—The person who has obtained the special permission mentioned in the preceding Article shall pay a fee for the same.

ART. 32.—A person who desires to obtain the special permission to land and ship goods and communicate between a vessel and shore at places other than those appointed for the purpose by the Customs, shall make an application in writing to Custom House stating the places, time, and nature of goods.

If the conditions under which the special permission is granted are disobeyed, the Custom House shall nullify the permission.

ART. 33.—The Customs House may grant special permission to examine goods outside of the premises of Custom House or customs' branch office. But in the case of the proviso attached to Article 24 of the Customs Duties Law no special permission is required.

A person who desires to obtain the special permission mentioned in the preceding paragraph shall make application in writing stating the place, time, and nature of goods.

A person who has obtained the special permission mentioned in the present Article shall pay a fee for the same.

SECTION II. Details regarding exportation and reimportation of goods.

ART. 34.—Export entry shall be made by means of a document stating the name and nationality of the vessel on which the goods are to be shipped; the marks, numbers, nature, quality, and value of the goods, number of packages, and the port of destination. But for passengers' luggage no document is required.

If the goods to be exported are foreign produce, the place of produce shall be mentioned also.

On the export entry of the goods to be exported for repair and to be reimported, the object of exportation and the place and period of reimportation shall be mentioned also.

If the place of reimportation mentioned in the preceding paragraph is changed, the fact shall be reported in writing to the Custom House at the port of exportation.

ART. 35.—A person who desires to export, within full six months from the day of importation, the goods from which the duty was exempted according to Article 6 of the Customs Tariff Law, or to export the goods imported in transit shall produce at the Custom House the import permit or Customs certificate having equal validity, at the time of making export entry.

On giving permission for the exportation of the goods mentioned in the preceding paragraph, the import permit or certificate shall be returned the holder endorsed "exported."

ART. 36.—The provision of the first paragraph of Article 34 is applicable to reimport entries.

SECTION III.—Details regarding importation of goods.

ART. 37.—Import entry and list of goods in transit shall contain the statement of the name and nationality of the vessel on which the goods have been carried, the place of their purchase, the place of produce or manufacture, the marks, numbers, nature, quantity, and original value of the goods, number of packages and miscellaneous expenses.

ART. 38.—Passengers' baggage may be declared verbally.

ART. 39.—A person who intends to import the goods, to which the provisions of Articles 5, 10 and 11 of the Customs Tariff Law are applicable and to claim the exemption of duty, shall produce the export permit or Customs certificate having the equal validity, at the time of making import entry.

ART. 40.—A person who intends to import the goods mentioned in Article 6 of the Customs Tariff Law shall state in the import entry the object of importation and the port of the exportion also.

When the port of exportation is changed the fact shall be reported in writing to the Custom House at the port of importation.

ART. 41.—In the import entry of the goods imported for the purpose of transit and the list of goods in transit there shall be stated the object of importation, and the port of exportation also.

ART. 42.—A person who desires to obtain the permission to remove goods before the import permit is granted according to the proviso of Article 34 of the Customs Duties Law, shall make an application in writing to Custom House stating the reasons; and one who desires to obtain the permission to remove in lots the goods stated on an import entry shall give description of the marks, numbers, nature and quantity of the goods, besides the date of import entry being made.

ART. 43.—The invoices of goods shall be returned to the owners at the time the import permit is granted.

ART. 44.—A post office on landing foreign mail shall inform the Custom House interested.

The examination of the mail shall require the attendance of postal officials.

ART. 45.—When any mail matter can not be delivered to the addresses, the post office shall return to the Custom House, stating the reasons thereof, the notices of payment issued according to Article 42 of the Customs Duties Law.

SECTION IV.—Transportation of goods.

ART. 46.— Transportation entry of goods is made by means of a document stating the name and nationality of the vessel on which the transportation is to be made, the port of landing, the distinction of domestic from foreign goods, the marks, numbers, nature, quantity and value of the goods and number of packages.

ART. 47.—On arrival at the port of discharge of the goods in transportation, the transportation permit shall be produced at the Custom House.

The Custom House, on receipt of the permit mentioned in the preceding paragraph, shall examine the goods and, if found to agree with the permit, return the latter to the owner endorsed thereon "transported"

SECTION V.—Details regarding storage of goods.

ART. 48.—In the notice mentioned in Article 47 and the application mentioned in Article 48 of the Customs Duties Law there shall be described the marks, numbers and nature of goods and number of packages.

ART. 49.—In the notice mentioned in Article 51 of the Customs Duties Law there shall be described the particulars mentioned in the preceding Article, the reasons for auction, the time and place of auction and other necessary particulars.

ART. 50.—The rates of charges for so stored goods shall be determined by the Minister of Finance.

CHAPTER IV.—Protests.

ART. 51.—In a written protest regarding the assessment of duty there shall be stated the causes and reasons for objection and the dates on which the demand was made and action taken. If there are any documents or articles relating thereto the fact shall be endorsed thereon.

ART. 52.—In a written decision on the protest there shall be stated the domicile or residence and name of the person making the protest, the causes of protest and ground and principal points of the decision.

ART. 53.—The delivery of a written decision shall be made by means of a messenger. But it may be made by way of a registered post.

ART. 54.—On delivery of a written decision, a receipt shall be obtained.

ART. 55.—When a written decision can not be delivered owing to uncertainty of domicile or residence of the person making the protest or to any other causes, the principal points of the decision fact shall be notified publicly.

In the case mentioned in the preceding paragraph, the written decision shall be considered as duly delivered after a lapse of seven days counting from the day of the notification.

ART. 56.—When it is intended to purchase goods or cause them to be valued by appraisers according to Article 63 of the Customs Duties Law, the person making the protest shall be notified thereof.

ART. 57.—The person making the protest upon receipt of the notice regarding the valuation of goods according to the preceding Article, shall select his appraisers and report their occupation, domicile, residence, and names within seven days and obtain the approval of the Superintendent of Customs. But the period prescribed in the present Article may be prolonged on request of the person making the protest, if the Superintendent of Customs deems it necessary.

ART. 58.—When the Superintendent of Customs considers unsuited the appraisers selected by the person making the protest, he shall order their reselection within another period indicated.

ART. 59.—On approval of the appraisers, the Superintendent of Customs shall appoint the time and place of the valuation of the goods and notify thereof the person making the protest.

ART. 60.—On conclusion of the valuation, the appraisers shall draw up a statement giving fully the reasons for their valuation and present it to the Customs.

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ART. 60.—On conclusion of the valuation, the appraisers shall draw up a statement giving fully the reasons for their valuation and present it to the Customs.

ART. 61.—The Superintendent of Customs, upon conclusion of the valuation, shall notify the person making the protest of the value of goods to be assessed.

CHAPTER V. Investigation and action taken in cases of infraction of the Law.

ART. 62.—Any articles seized shall be sealed up by the officials making the seizure.

ART. 63.—In the list of articles seized, there shall be stated the names and quantity of the articles, the time and place of seizure and the domicile or residence and name of the owners of the articles.

ART. 64.—When seized articles are placed in custody of the owner or the municipal office of the city, town or village, a receipt shall be taken therefrom and if in custody of the municipal office of the city, town or village, the owner at the time of seizure shall be notified of the fact.

ART. 65.—When seized goods are to be disposed of by public sale according to Article 90 of the Customs Duties Law, they shall be sold by auction after advertisement.

In the advertisement mentioned in the preceding paragraph, there shall be described the nature and quantity of articles, the reason for sale by auction, the time and place of auction and other necessary particulars.

ART. 66.—In the statements regarding a visit of inspection, search or interrogation there shall be described the facts, time and the particulars of information obtained.

ART. 67.—On conclusion of an investigation of infraction of the law, the Customs official shall make a report to the Superintendent of Customs.

ART. 68.—The notice to be given for the action taken as mentioned in Article 94 of the Customs Duties Law shall be made by the delivery of a note.

In the note there shall, besides the particulars mentioned in Article 94 of the Customs Duties Law, be stated the minute facts regarding the infraction of the Law, the quantity of articles and the time and place of payment of money or delivery of articles.

ART 69.—The provisions of Articles 53 and 54 shall apply to the delivery of the note of the action taken.

ART. 70.—When the articles liable to confiscation are under custody of the municipal office of the city, town or village, the formality of their delivery shall take place, leaving them in custody of the same.

ART. 71.—If there are any seized articles at the time the Superintendent of Customs institutes proceeding against an infraction of the Law, they shall be transferred to the legal court with a list of the seized articles.

If the seized articles mentioned in the preceding paragraph are under custody of the owner or municipal office of city, town or village, the custodian shall be notified of the fact of transference of the articles.

ART. 72.—All the documents concerning the investigation and action taken in cases of infraction of the Law shall be sealed across every juncture of pages, and every letter added or erased and every marginal note shall be sealed thereon.

The erasure of letters shall be done so as to leave the letters legible and the total number of the letters shall be endorsed.

CHAPTER VI.—Hours open for the transaction of business at Custom House and special opening of the offices.

ART. 73.—The hours open for the transaction of business at Custom House are from 9 a.m. to 4 p.m., exclusive of holidays.

ART. 74.—A person who desires to obtain the special permission for opening of the offices, besides the hours open for the transaction of business, shall make an application in writing to the Custom House stating the hours to be opened and the nature of work to be done during those hours.

The person who has obtained the special permission mentioned in the preceding paragraph shall pay a fee for it.

CHAPTER VII.—Miscellaneous Rules.

ART. 75.—A shipmaster who desires to obtain the special permission mentioned in Article 98 of the Customs Duties Law shall apply in writing to the Superintendent of Customs, stating the name of the port, the name and nationality of the vessel, the period of stay and the reasons for the same and, if it relates to landing of any goods, the nature and quantity of the goods.

Upon obtaining the special permission mentioned in the preceding paragraph, the master shall pay a fee for it into the Custom House.

ART. 76.—A person who asks for a certificate of Customs or a statistical table regarding ships or merchandise shall pay a fee for each.

ART. 77.—The Minister of Finance can levy fees from those who make use of piers, cranes, grounds, buildings or articles belonging to the Customs.

ART. 78.—The rates of the fees shall be determined by the Minister of Finance.

ART. 79.—The fees may be paid by means of revenue stamps.

The revenue stamps for payment of the fees shall be affixed to the application forms of payment.

ART. 80.—The Customs and revenue officials are strictly forbidden, either directly or indirectly to purchase any articles seized or confiscated, any goods in storage and securities deposited for duties, when they are sold by the officers so authorized.

ART. 81.—All documents to be drawn up by the officers authorized, according to the Customs Duties Law or the present Regulations shall be inscribed with the name of the Government establishment or the official titles and names and duly dated and sealed.

ART. 82.—All applications and other documents shall be inscribed with the nationality and domicile or residence of the applicant and the date of application, duly signed by the applicant.

ART. 83.—All documents to be sent to a Custom House or Superintendent of Customs shall be presented to the Customs branch office, if it happens within the jurisdictions of such a branch office.

Except the preceding paragraph, all provisions regarding the Customs are applicable to Customs branch office.

SUPPLEMENTARY RULES.

ART. 84.—The present Regulations shall take effect on the day on which the Customs Duties Law comes into force. But the provisions of Articles 1 and 2 shall not take effect until six months shall have elapsed counting from the day on which the Customs Duties Law comes into force.

ART. 85.—The Imperial Ordinance No. 385 of the 30th year of *Meiji* shall be abolished from the day on which the entire portion of the present Regulations shall be enforced.

The Imperial Ordinance No. 385 relates to the certification of original places of produce or manufacture of imported goods to enable them to enjoy the benefit of the conventional tariff.

With No. 324

NEW CUSTOMS FEES.

NOTIFICATION No. 34 OF THE DEPARTMENT OF FINANCE.

Fees to be paid to the Customs in accordance with the Customs Regulations have been fixed as follows, and will be put into force on and after Aug. 4th, 1899. The existing rate of charges is to be abolished simultaneously.

Count MATSUKATA MASAYOSHI,
Minister of Finance.

July 5th, 1899.

FEES TO BE PAID FOR PERMISSION TO OPEN THE CUSTOMS BEFORE OR AFTER HOURS ON ORDINARY DAYS.

	Yen.
From 4 p.m. to 6 p.m.	30
„ 4 „ „ 12 „	90
„ 4 „ till any hour after 12 p.m....	190
„ sunrise to 10 a.m.	40

N.B. The above rate shall not be applicable to cases where the Customs have been kept open from the previous day.

FEES FOR SPECIAL OPENING OF THE CUSTOMS ON HOLIDAYS AND SUNDAYS.

	Yen.
From 10 a.m. to 4 p.m.	50
„ 10 „ „ 6 „	80
„ 10 „ „ 12 „	140
„ 10 „ till any hour after 12 p.m....	240
„ sunrise to 10 a.m.	40

N.B.—The above rates shall not be applicable to cases where the Customs have been kept open from the previous day.

FEES FOR SPECIAL OPENING OF THE CUSTOMS BRANCH OFFICES ON ORDINARY DAYS, HOLIDAYS AND SUNDAYS.

	Yen.
From Sunrise to Sunset per hour	2
„ Sunset to Sunrise per hour	3

FEES FOR LADING, UNLADING, DELIVERY, ACCEPTANCE OR FORWARDING AT THE CUSTOMS ON ORDINARY DAYS.

From Sunset to Sunrise per hour... ... Y. 3

FEES FOR LADING, UNLADING, DELIVERY, ACCEPTANCE OR FORWARDING AT THE CUSTOMS ON HOLIDAYS AND SUNDAYS.

	Yen.
From Sunrise to Sunset per hour	2
„ Sunset to Sunrise per hour	3

FEES FOR LADING, UNLADING, DELIVERY, ACCEPTANCE, OR FORWARDING, AT THE CUSTOMS BRANCH OFFICES ON ORDINARY DAYS.

From Sunset to Sunrise per hour ...Y. 1.50

FEES FOR LADING, UNLADING, DELIVERY, ACCEPTANCE, OR FORWARDING AT THE CUSTOMS BRANCH OFFICES ON HOLIDAYS AND SUNDAYS.

	Yen.
From Sunrise to Sunset per hour	1
„ Sunset to Sunrise per hour	1.50

FEES FOR INSPECTION OUTSIDE THE COMPOUNDS OF CUSTOMS OR CUSTOMS BRANCH OFFICES.

Inspection fees per hour ... ...Y. 3.00

N.B. When travelling expense is involved the same shall also be charged.

FEES FOR PERMISSION TO VISIT A NON-OPEN PORT BY A FOREIGN TRADING VESSEL.

Per visit ... ... Y. 10

FEES MENTIONED IN ART. LXXVI FOR THE PUTTING INTO FORCE OF THE CUSTOMS LAW.

	Yen.
1. Certificate per case	2.00
2. Daily export and import returns (per month)	20.00
3. Other returns to ships and goods per case	0.50

Mr Emory

2d ASSISTANT SECRETARY,
To Mr. Emory to be printed.
Ack, sending 1/2 doz copies.
AUG 7 1899

UNITED STATES LEGATION,
TOKYO, JAPAN.

ADVANCE SHEETS NO. 514

No. 325.

INDEX BUREAU REC'D. 5 AUG '99 DEPT. OF STATE

DIPLOMATIC, AUG 9 1899 BUREAU.

July 11, 1899.

Mailed 6 copies of Adv. Sheets
No. 514 to Mr. Buck Aug 28 99
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8/28

Mr. Buck,

to the Secretary of State.

Subject:

Notification relating to operation of new treaties.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 325.

July 11, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to enclose herewith copies of a Notification issued by me and published this morning in several newspapers of the country.

In consideration of the Rescript of His Majesty, the Emperor, and the several notifications of the Cabinet Ministers (copies of which accompany my despatch No. 323, of the 7th instant) in respect to the duties of Japanese subjects in their intercourse with foreigners, showing the great desire of the Government that the people should treat foreigners with due kindness and consideration in the new relations they will sustain to them under the operation of the new treaties, I thought it proper to reciprocate in like spirit.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

Enclosure:

Copy of Notification of July 10, 1899.

With Mr. Buck's
No. 325.

NOTIFICATION

TO

UNITED STATES CITIZENS

IN JAPAN.

The Japan Times.
TOKYO, TUESDAY, JULY 11TH, 1899.

IN view of the coming into Operation of the NEW TREATY between the UNITED STATES and JAPAN on the 17th day of the present month, it seems fitting and proper, not only to announce to citizens of the United States in Japan that fact, but also to call their attention to the changed conditions and to the obligations that will rest upon them in their new relations to Japanese laws and regulations to which they will be amenable equally with Japanese subjects, in all that relates to their individual rights and privileges.

On the 16th instant jurisdiction of United States Consular Courts in Japan will end and "all the exceptional privi-"leges, exemptions, and immunities now "enjoyed by citizens of the United States "as a part of, or appurtenant to, such "jurisdiction" will "absolutely cease "and determine and thereafter all such "jurisdiction will be assumed and exer-"cised by Japanese Courts."

The Rescript of His Imperial Majesty the Emperor, as also the several Notifications by His Excellency, the Minister President of State, and Their Excellencies, the heads of Departments of the Government, already published, enjoining, as they do, upon all Japanese subjects their duties in respect to foreigners, have been read with much satisfaction by me as they will be by all United States citizens, not only in Japan, but in America as well. In like spirit attention is called to the duty which, I trust, will be the pleasure of all citizens of the United States, under no circumstances to give any cause of complaint either to Government officials or other Japanese subjects. In their relations with the people of this country they should at all times, by their demeanor and by their every act, show such sentiments of regard for those with whom they will necessarily be associated and for all laws, regulations, and customs, as will demonstrate that reciprocal friendship reasonably expected of them in response to the kind, considerate, and just treatment enjoined on all Japanese subjects by His Imperial Majesty and by the high officials of the Government.

The United States was the first of all the Powers to enter into a "Treaty of Peace, Amity, and Commerce," with Japan. From that time the bonds of friendship uniting the two countries have become stronger and stronger with passing years, and it is the duty of all citizens of the United States in this country to see to it that nothing on their part is done to cause reflection upon the people of their nationality.

Given under my hand and seal this tenth day of July, 1899.

ALFRED E. BUCK,
UNITED STATES MINISTER.

Mailed 6 copies of
Adv Sheets No 514 to
Mis. Aug 20/99 87c 8/20

PRINTED IN ADVANCE SHEETS NO. 514.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 326.



July 12, 1899.

Mr. Buck,

to the Secretary of State.

Subject:

Editorial comment on Notification to American citizens.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 326.

July 12, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

Referring to my despatch No. 325, of yesterday's date, enclosing copies of my notification to American citizens in Japan concerning their condition and duties under the new treaty, I have the honor to enclose herewith copies of editorial comments upon the notification which appear this morning in the "Japan Mail" and the "Japan Times".

The "Times" is published by Japanese and is one of the leading papers of Tokio, while the "Mail" is the leading paper published by foreigners in this country. Its editor and proprietor is an Englishman.

I am informed that the Japanese papers generally are publishing the notice with very gratifying comments:. The Government officials appear to be much pleased with my publication in reciprocation of the Rescript of the Emperor and the notifications of the Japanese Cabinet, and our own people warmly approve. No similar action has yet been taken by the representative of any other Power in Japan.

I have the honor to be,

Sir,

Your obedient servant,

A. L. Buck

Enclosures:
Cuttings from Japan "Mail" and "Times" of July 12,1899.

With No. 326

The Japan Times.

TOKYO, WEDNESDAY, JULY 12TH, 1899.

THE U. S. MINISTER AND THE REVISED TREATY.

THE Notification issued by H. E. the American Minister to his nationals in Japan, relative to the operation of the new treaty between the two countries, is highly gratifying to the Japanese people. After referring, among other things, to the recent Imperial Rescript and the various Departmental Notifications inculcating upon Japanese subjects the duty of extending a friendly treatment to foreigners under the new treaty arrangement, His Excellency proclaims as follows:—

"In like spirit attention is called to the duty which, I trust, will be the pleasure of all citizens of the United States, under no circumstances to give any cause of complaint either to Government officials or other Japanese subjects. In their relations with the people of this country they should at all times, by their demeanor and by their every act, show such sentiments of regard for those with whom they will necessarily be associated and for all laws, regulations, and customs, as will demonstrate that reciprocal friendship reasonably expected of them in response to the kind, considerate, and just treatment enjoined on all Japanese subjects by His Imperial Majesty and by the high officials of the Government."

The American Minister's action in addressing these words of caution to the citizens of the Union in Japan, will be warmly appreciated by our countrymen, not because there is any apprehension of lawless or discourteous conduct on the part of those to whom they are addressed, but because of that spirit of genuine friendship from which they emanate, and which has invariably prompted the great trans-Pacific Republic in her dealings with this country ever since she first introduced us to the lasting benefits of a new and broader civilization nearly half a century ago. In no respect has this friendship been more signally and consistently displayed by her than in connection with the question of treaty revision—a question which of all others has engaged during the past twenty years the keenest attention of this nation. It is gratefully remembered by us all that America was the first of all the treaty Powers to recognize the justice of our aspiration and and to give a practical shape to that recognition. Her disinterested and friendly attitude on this question, is all the more gratifying in view of the fact that all the while she had in this country large and ever increasing interests to look after. The first to befriend us in the matter of treaty revision, it is but befitting that the United States of America should have also been the first to give a public and official response in so hearty a manner to the extreme solicitude with which His Imperial Majesty and his advisers, with the earnest support of the leading class of people, are sparing no pains to secure the smooth operation of the new treaties.

With No. 326.

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Enclosure No. 326.

The Japan Daily Mail.

YOKOHAMA, WEDNESDAY, JULY 12, 1899

NOTIFICATION OF THE UNITED STATES REPRESENTATIVE.

The Representative of the United States in Japan has performed a most graceful and tactful act. His Notification to his nationals on the eve of the operation of the Revised Treaties, will not only produce an excellent impression on those to whom it is directly addressed, but will also be keenly appreciated by the Japanese. After referring to the recently issued Imperial Rescript and Ministerial Instructions, Mr. Buck says:—"In like spirit attention is called to the duty which, I trust, will be the pleasure of the citizens of the United States, under no circumstances to give any cause of complaint either to Government officials or other Japanese subjects. In their relations with the people of this country they should show at all times, by their demeanour and by their every act, such sentiments of regard for those with whom they will necessarily be associated and for all laws, regulations and customs, as will demonstrate that reciprocal friendship reasonably expected of them in response to the kind, considerate and just treatment enjoined on all Japanese subjects by His Imperial Majesty and by the high officials of the Government."

These eloquent words have all the ring of sincerity and kindly feeling. They come aptly from the Representative of a country which uniformly distinguished itself during the past forty years by an attitude of thorough amity and sympathy towards Japan, and which has won in the hearts of the Japanese people a place of permanent trust and affection. The Prime-Minister, Marquis Yamagata, in his recent Notification, observed that Great Britain had led the way in raising Japan from the grade of international inferiority to which the old treaties condemned her. Mr. Buck now notes that the United States was the first of all the Powers to draw Japan from her long seclusion, and pledge her to intercourse which has now secured for her a rank never before attained by an Oriental State. Mr. Buck might have said much more about his country's share in the approaching consummation, but he doubtless felt that no words of his were needed to recall the facts to the minds of the Japanese. It is not a mere coincidence that the two great branches of the Anglo-Saxon race occupy a place of honourable cöoperation in the drama of Japan's new career.

With No. 326

The Japan Daily Mail.

YOKOHAMA, WEDNESDAY, JULY 12, 1899.

NOTIFICATION OF THE UNITED STATES REPRESENTATIVE.

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PRINTED IN ADVANCE SHEETS NO. 514...

UNITED STATES LEGATION,
TOKYO, JAPAN.

2D ASSISTANT SECRETARY,
Mr. Quay will print.
Ask sending printed copies.
AUG 5 1899

No. 327.

July 12, 1899.

INDEX BUREAU
REC'D.
5 AUG '99
DEPT OF STATE

Aug. 28/99 Sent Mr. 6 copies of Adv. Sheets No. 514

J T C 8/28

Mr. Buck,

to the Secretary of State

Subject:

Translation of regulations of interest to foreigners.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 327.

July 12, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to enclose herewith clippings from the local papers giving translations of new regulations recently issued, which are of interest as relating to foreigners.

I have the honor to be,

Sir,

Your obedient servant,

Enclosures:

Translations of regulations relating to weights, residential reports, and property of deceased foreigners.

In Th No. 327.

The Japan Daily Herald.
[WITH SUPPLEMENT.]

MONDAY, JULY 10TH, 1899.

UNDER THE TREATIES.

NOTIFICATIONS AND INSTRUCTIONS IMPORTANT TO FOREIGNERS.

WEIGHTS AND MEASURES.

An instruction issued by the Minister of Agriculture and Commerce under date of July 8th, 1899 is as follows :—

In the case of scales, measures or weighing machines hitherto made, repaired or sold by foreigners or those hitherto used for business purposes in the Settlement and required to be examined by the authorities in accordance with the Scale, Measures and Weighing Machines Regulations issued in [illegible] inspection of their construction for the [illegible] examination may be postponed till the end of December, 1899.

Sone Arasuke,
Minister of Agriculture
and Commerce.

July 8th, 1899.

CONCERNING RESIDENTIAL REPORTS.

The following regulations were published in Saturday's *Official Gazette* by the Ministers of Home Affairs and of Justice under date of July 8th 1899 :

Art. I.—The proprietor of a hotel or a person carrying on business of the kind and who allows others to lodge in his house, is required, in accordance with the regulations issued by the local Government, to report to the police such matters as are required by the Regulations.

Except in cases specified by the Regulations, the above-mentioned report may be forwarded to the police either at a police box, a station, or on beat.

Art. II.—Persons [illegible]ng in a hotel or other house shall inform the master or the proprietor of the house, of the particulars to be reported to the police in accordance with Art. I of these regulations, or he shall fill up the blank himself in the form handed to him by the master or the proprietor of the house.

Art. III.—A Foreigner residing in a village, street or city for more than ninety days whether or not he keeps a house for himself, shall report, within ten days from the day of his arrival, to the police office with jurisdiction over that district, his own address, nationality, age and occupation as well as those of all members of his family, in addition to the date of their arrival, former addresses, respective addresses in their home countries, and also the relations existing between the several members.

In cases other than those mentioned, foreigners residing in the same village, street or city over ninety days are required to report the particulars specified above within ten days from the expiry of the ninety days.

When a foreigner does not keep a house for himself, the person who allows him to lodge in his house or who has leased a house to him, shall also sign his name in the report forwarded by the foreigner.

A person who is no longer a Japanese subject and still continues residing in the same place is required to forward a report as mentioned in this Article.

Art. IV.—In case a foreigner registered in the Registration Book mentioned in Article VII removes to another place, a report stating the date of his removal and his new address shall be forwarded to the police to which jurisdiction the place belongs, within ten days from the date of his removal, by the undermentioned persons; provided that if the report be personally forwarded by the person removing to another place, such report shall be forwarded to the police before his removal :

1. By the person who has allowed foreigners to stay at his house, when such foreigners remove to another place.
2. By the head of a family when the latter belongs to a foreigner keeping his own house, and who has removed to another house.
3. When a foreigner keeping his own house has removed to another place, leaving his family at the old house, the report shall be forwarded by a person who has attained his majority, among the members of the family, or by the oldest member of the family in case the head of the family has not attained his majority.
4. When a foreigner keeping his own house removes to another place, with his family, the report shall be forwarded by the foreigner himself.

In cases other than those stated in the foregoing clauses, the report shall be forwarded by the owner of the house or a person under whose care the house remains.

Art. V.—A foreigner registered in the Registration Book mentioned in Art. VII is required to report to the police, any change in the names and nationality of himself or the members of his family within ten days from such change.

Art. VI.—When the title owned by a foreigner is registered by the Registrar, the owner of such title is required to report the fact to the police within whose jurisdiction his residence is situated.

It is necessary for such foreigner to mention his address in the report.

Art. VII.—A registration book shall be provided at police stations in order to register therein matters reported in accordance with Art. VI, concerning foreigners specified in Cl. I, II and IV of Art. III as well as reports forwarded in accordance with Cl. I and II of Art. III and Art. IV and V. This is applicable to cases when, though no report or information has been given to the police, the facts which are required to be registered come to the knowledge of the police through the proceedings mentioned in Art. IX of these Regulations.

Art. VIII.—Any person may ask the police for permission to inspect the Registration Book mentioned in Art. VII, or for a duplicate or copy of the registration. Persons wishing to inspect the Registration Book shall pay a fee of 10 *sen* and another 10 *sen* per page or less for a duplicate or copy of the registration.

The fees mentioned in the preceding clause shall be paid in revenue stamps pasted on the application.

Art. IX.—Everybody is required to answer questions put by police officials concerning matters which must be reported in accordance with Art. I, and matters to be registered in the Registration Book mentioned in Art. VII and also concerning the personnel of the keeper of a house, his family and his dependants.

Foreigners carrying passports or other certificates sufficient to prove their nationality, shall show the same to police officials if required.

Art. X.—Any person refusing to answer the questions put by police officials, or who does not tell the truth, or who refuses the request of police officials contrary to what is required in Art. IX, shall be sentenced to pay a fine not exceeding ¥20, except in cases to which the Criminal Code is applicable.

Art. XI.—Persons who neglect to forward the reports mentioned in Art. I, Cl. I & II of Art. III and Arts. IV and V shall be sentenced to pay a fine not exceeding ¥1.25 and persons making false statements in such reports shall be ordered to pay a fine not exceeding ¥20 except in cases to which the Criminal Code is applicable.

Persons infringing the provisions of Art. II and Cl. III of Art. III shall be sentenced to pay a fine not exceeding ¥1.25.

Art. XII.—The number of days allowed for forwarding reports required in Cl. I and II of Art. III concerning foreigners residing within Japanese territory, on the day on which these Regulations come into operation, shall be calculated from the day of the operation of these Regulations.

Art. XIII.—These regulations shall be put into operation on and after July 17th, 1899.

THE DISPOSITION OF THE PROPERTY OF DECEASED FOREIGNERS.

Saturday's issue of the *Official Gazette* contains an instruction issued by the Minister of Justice relating to the preservation and disposition of deceased foreigners' property, in accordance with Cl. II. of Art. 209 of the Procedure of Non-Contentious Matters, as follows:

Art. I.—The Local Court (Ku Saibansho) shall be recognised as the proper authority to issue or receive notice of the death of a foreigner and as entitled to interfere in the disposal of the bequeathed property of aforeigner.

When a foreigner dies outside Japanese territory, the local authority mentioned above shall be the Local Court governing the place where the bequeathed property is situated.

Art. II.—Procedure relating to the execution of the bequeathed property of a foreigner may be entrusted to other persons.

Art. III.—When the fact of the death of a foreigner comes to the knowledge of police officials, the latter are required to report to the Local Court mentioned in Cl. I of Art. I, the nationality, abode or domicile, name, age and date of death.

The Registrar shall at once send a copy of registration to the above mentioned Local Court as soon as the death of a foreigner is registered.

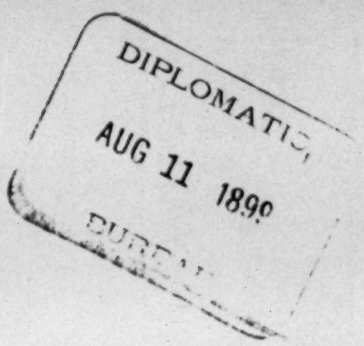
Art. IV.—When, in accordances with the provisions of Treaty, officials at a local office are required to act as witnesses to the sealing or unsealing of a bequeathed property, a Judge and a clerk of the Local Court concerned shall be present on such occasion. A Public Procurator of the Court may also attend.

Art. V. - When a local Government prepares a list of a deceased foreigner's property, and forwards the same to the Consul as required by the Provisions of Treaty, the Local Court, in compliance with the request of the parties concerned, or of Public Procurators, appoints an executor and orders him to produce a copy of the list of bequeathed property, which shall be afterwards forwarded to the Consul together with other documents required by the provisions of the Treaties.

Art. VI.—The Local Court in charge shall report to the Consul concerned, a public notification, if any, mentioned in Arts. 69 and 70, of the Procedure of Non-Contentious Matters and Art. 1057 of the Civil Code, relating to a deceased foreigner's property.

Art. VII.—The present Regulations shall take effect on and after July 17th, 1899.

UNITED STATES LEGATION,
TOKYO, JAPAN.





No. 328

Tokyo, July 15, 1899.

From Legation
To Hon. Claude
W. Swanson
Aug. 14 99

Mr. Buck,

to the Secretary of State.

Subject:

Purchase of foreign tobacco by Japanese Government.

Fr. Claude W. Swanson
To " " " July 28

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 328

July 15, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

Referring to your Instruction No. 225, of April 29th last, in respect to matters affecting American trade in tobacco with Japan, and to my despatch No. ~~297~~ 299, of date May 26th, last in reply thereto, I have the honor to inform you that the Japanese Government has concluded arrangements for the purchace of tobacco through several agents who I am informed will obtain the supplies generally from the United States, where hitherto most of the supply of tobacco for the Japanese market has been obtained. These agents are the Kwansai Boyeki Kaisha, of Kyoto; the Mitsui Bussan Kaisha, of Tokyo; and Mr. Renzo Ezoye, of Tokyo. The enclosed clipping from the Japan Times states quite accurately, I understand, the course adopted to secure supplies for the Government, and the method of purchase and delivery.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

Enclosure from Japan Times.

IMPORTERS OF FOREIGN TOBACCO.

The Tobacco Monopoly Bureau of the Finance Department appointed on the 26th inst. the Kwansai Boyeki Goshi-kaisha on Higashi-iru, Fuyacho, Kyoto; the Mitsui Bussan Gomei-kaisha on Sakamotocho, Nihombashi, Tokyo; and Mr. Renzo Ezoye on Izumocho, Kyobashi, Tokyo as lincensed importers of foreign tobacco leaves. As for the importation of the leaves, the Tobacco Monopoly Bureau will first investigate the brands and quantity of tobacco wanted by the tobacco manufacturers and wholesalers throughout the country, and then give orders to one or other, or all of the three parties named, who will despatch their agents to the country of production of different brands. The responsibility of the importers will cease with the delivery of the ordered goods into the hands of the officials of the Monopoly Bureau, after they have been passed through the customs in the regular way.

DIPLOMATIC
AUG 12 1899
UNITED STATES LEGATION,
TOKYO, JAPAN.
BUREAU.

Dupuy

20 ASSISTANT SECRETARY.
Mr. Dupuy will print—
Ask sending copies—
AUG 11 1899

329.

INDEX BUREAU
REC'D.
10 AUG 1899
DEPT. OF STATE

Sept 6/99

July 15, 1899.

PRINTED IN ADVANCE SHEETS NO. 520.

Sept 6/99 mailed 4 copies of desp.
& No. 520
D.T.C.

Mr. Buck

to the Secretary of State.

Subject:

Additional ports opened for foreign commerce.

No. 329.

UNITED STATES LEGATION,
TOKYO, JAPAN.

July, I5, I899.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to inform you that by Rescript of the Emperor the following named ports of Japan are to be opened to foreign commerce on the new treaties' coming into operation

The translation of the Rescript is as follows:

Imperial Ordinance No.342, July I2th, I899.

Art.I. Besides the open ports hitherto designated, the following are to be also open ports:

Shimizu, Suruga Province.
Taketoyo, Owari "
Yokkaichi, Ise "
Shimonoseki, Nagato "
Moji, Buzen "
Hakata, Chikuzen "
Karatsu, Hizen "
Kuchinotsu, Hizen "
Misumi, Higo "
izuhara, Tsushima "
Sasuna, " "
Shishimi, " "
Nawa, Ryukyu "
Hamada, Iwami "
Sakai, Hoki "
Miyazu, Tango "
Tsuruga, Echizen " Nanawo

Nanawo, (South Bay) Noto Province.

Fushiki, Etchu Province.

Otaru, Shiribeshi "

Kushiro, Kushiro "

Muroran, Iburi "

Art.2. At the port of Muroran, mugi (Barley, wheat, rye, oats, etc.), sulpher, coal, and other commodities designated by the Minister for Finance, only can be exported.

Art.3. If in any of the ports named in Art.I the total amount of imports and exports of commodities comes short of Yen 50000. the said port is to be closed.

The period for the closure mentioned in the foregoing paragraph will be publicly announced by the Minister for Finance three months before.

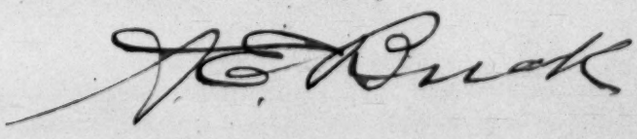
Appended Rule.

This Ordinance comes into force on and after the day of the operation of the law of customs duties.

I have the honor to be,

Sir,

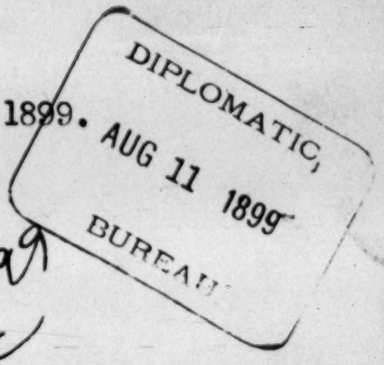
Your obedient servant,



UNITED STATES LEGATION,

No.#. TOKYO, JAPAN. July 19, 1899.





Mr. Buck

to the Secretary of State.

Subject:

Transmitting "Annual Furniture Schedule" and a general inventory.

UNITED STATES LEGATION,

No.#. TOKYO, JAPAN. July 19, 1899.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to enclose herewith the usual "Annual "Furniture Schedule" together with a complete inventory of the books, records, and other property of the Governmentnow in this Legation.

I have the honor to be,

Sir,

Your obedient servant,



Enclosure:

Annual Furniture Schedule and Inventory, as above.

Enclosure with Mr Buck's unnumbered dispatch of July 19th, 1899.

INVENTORY.

Books in the Library of the United States Legation,

Tokyo, Japan, July I, 1899.

---o---

International Law.

Title of Work.	No. of Vols.
Vattel's Law of Nations	I
Summary of the Law of Nations, Martens	I
Puffendorf, Law of Nature and Nations	I
Savigny's Private International Law	I
Story's Conflict of Laws	I
Gardiner's International Law	I
Grotius's War and Peace, Whewell	3
Polson's Law of Nations (Blockade)	I
Westlake's Private International Law	I
Woolsey's International Law	I
Wharton's International Law Digest with Appendex	3
" " " " "	3
Phillmore's International Law	4
Wheaton's Ellements of International Law	I
Moore on Extradition	1
Hall's International Law	I

-----o----

Constitutional Law.

Story on the Constitution	2
Rawle on the Constitution	I
Baldwin on the Constitution	I
Sargeant on Constitutional Law	I
Towle on the Constitotion	I
Paschal's Annotated Constitution	I

Admiralty and Maritime Law.

Conklin's Admiralty Jurisdiction ----------2
Benedict's Admiralty ----------I
Curtis's Admiralty Digest ----------I
Parsons on Shipping and Admiralty ----------2
Tudor's Leading Cases in Mercantide and Maritime Laws -------2
Abbot's Admiralty Reports ----------I
English Admiralty Reports ----------9

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General Laws.

Kent's Commentaries ----------4
Blackstones Commentaries ---------- ----------2
Stephens's Commentaries ----------4
Greenleaf on Evidence ----------3
Parsons on Contracts ----------3
Cooley on Constitutional Limitations ----------I
Brightly's Digest of U.S.Statutes ----------2
" Federal Digest ----------2
Sumner's C.C.Reports ----------3
Bond's C.C.Reports ----------2
Bateman's Commercial Law ----------1
Hilliard on Torts ----------2
" on Remedies for Torts ----------1
Holcomb's Leading Cases of Commercial Law ---------I
Morse on Arbitration and Award ----------I
Parsons on Partnership ----------I
Story on Bailments ---------- ---------I
" on Agency ----------1
Edwards on Bills ----------1
Bouvier's Law Dictionary ---------- ----------2

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Political etc.

Madison's Papers ----------3
Elliot's Debates ---------- ---- ----------5
Washington's Writings ----- ----------12
Jefferson's Writings ----------9
Hamilton's History of the Republic ----------7
Adams's (John) Works ------ ----------10
Webster's Speaches ---------- ----------3
Federalist ----------2
Burke's Works --- ---------- ---------- ---12
Smith's (Adam) Works ----------1
De Toqueville's American Institutions ----------1
Benton's Thirty Years and Abridgement of Debates --2
Draper's Civil Policy in America ----------1

Draper's American Civil War ----------3
Draper's Intellectual Development of Europe -------1
Greely's American Conflict ---------- 2
Webster's Unabridged Dictionary)----------1
Mill's Political Economy ----------2
Grove's Greek and English Pronouncing Dictionary --1
Latin-English " ----------1
French-English " ----------1
German-English " ----------2
Spanish-English " ----------2
New American Cyclopoedia(16 Vols. and II Vols Annual--27
Macauley's Works ----------12
Hallam's History of England (3-, Middle Ages (3) -6
Bancroft's United States ----------9
Hume's England (6 Hume, 4 Smollet, 7 Hughes) ------17
Froude's England ----------6
Hildreth's United States ----------6
Bible ----------4
Palfrey's New England ----------3
Millman's Christianity ----------3
Rawlinson's Great Empires 9 Eastern Monarchies) ---3
Alison's Europe ----------23
Buckle's Civilization ----------3
Prescott's Works ----------15
Gibbon's Rome ----------8
Guizot's Civilization ----------2
Grote's Greece ----------12
Smyth's Lectures (modern History and
French Revolution ----------5
Brand and Cox's Science ----------3
Drake's American Biographical Dictionary ----------1
Appleton's Cyclopoedia of Biography ----------1
" Mercantile Dictionary ----------1
Colton's Larcon ----------1
Scott's Works (Poetical 1, Napoleon 3, Novels 48)--52
Dicken's Works ----------26
Spectator ----------6
Lamb's Works ----------4
Carlyle's Works ----------15
De Qincy's Works ----------26
Cooper's Novels ----------32
Bryant's Poems ----------1
Duyckinck's Cyclopoedia of American Literature ----2
Motley's Worgs ----------7
Milton's Works ----------11
Shakespeare's Works ----------4
Byron's Works ----------17
More's Works ----------1
Longfellow's Works ----------1
Burn's Works ----------2
Whittier's Works ----------2
Percival's Works ----------2
Hawthorne's Works ----------17
Holme's Works ----------1
Lowell's Works ----------2
Duyckinck's History of the World ----------4
Parkman's Works ----------6
Dickson's Japan ----9 ----------1

Legal.

Story's C.C.Reports ----------3
Clifford's C.C.Reports ----------2
Woodbury and Minot's Reports ----------3
Curtis's C.C.Reports ----------2
Paine's Reports ----------2
Blachford's Reports ----------10
Hare and Wallace's American Leading Cases.----------2
Daniell's Chancery Pleading and Practice ----------3
Bennett's Leading Criminal Cases ---------- 2
Opinions of the Attorney General ----------13
Wallace's United States Supreme Court Records -----23
Curtis's Decisions of the Supreme Court ----------22
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Howard's Reports ----------7
Statutes at Large with Index ----------35
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Revised Statutes of the United States ----------2
" " with Supplement ----------1
Charters and Constitutions of the United States ---2
Davis, Notes on Treaties of the United States -----1
Treaties and Conventions of the United States -----1
Consular Regulations of the United States ----------5
Hickey, Constitution of the United States ----------1
Consular Jurisdiction--Secretary of States --------1
Alabama Claims Case of the United States ----------1
Boissanade, Civil Code of Japan--Pamphlet ----------2
" Criminal " " " ----------2
Sawyer's U.S.Reports, 9th Judicial District -------11
Scidmore's Digest Leading Consular Cases ----------1
Regulations of Consular Courts ---------- -----2

Miscellaneous.

Census of the United States, I880 ----------3
Curzon's Problems of the Far East ----------1
The Times Atlas ----------1
Brinckley's Japanese-English Dictionary ----------1
Worcester's Dictionary, Unabridged ----------1
Protocols of Conference of Treaty Revision, I882 --1
Murray's Handbook of Japan ----------1
Japanese-French Dictionary of Military Terms ------1
Hepburn's Pocket Japanese Dictionary 2nd Ed. ------L
Dictionary of Naval Terms ----------1
Nakamura's Dictionary of English, Chinese & Japanese 2
Japanese Dictionary of Compound Words ----------2
Japanese Radical Dictionary ----------1
Whitney's Geographical Dictionary of Japan --------1
Aston's Japanese Grammar ----------1
Illustrated List of Japanese Decorations ----------1
Penal Code of Japan in French ----------1
Census of the United States, 1870 --------- ------3
Compendium of U.S.Census, 1880 ----------2

Note:- See page 7-A.

OFFICIAL RECORDS OF THE UNITED STATES LEGATION,

Tokyo, Japan.

Mr.Harris.

Dispatches from the Department of State ----------1
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" " ditto (with Mr.Pruyn) ----1
To ditto and Miscellaneous ----------1
Notes from the Japanese Gov't and Miscellaneous ---2 x
" " ditto (with Mr.Pruyn) ----------1

Mr.Pruyn.

Dispatches from the Department of State ----------1
" " to " " (with Mr.Van Valkenburgh)-1
Notes from the Japanese Government ----------5 x
" " to " ")----------
" " and Miscellaneous ---1
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" " ditto (with Mr.Harris) - ----------1
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Mr.Van Valkenburgh.

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" " from " " " ---6
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Mr.De Long.

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x Note:- The differences between this and the preceding inventories, in the indicated items of Mr. Harris's and Mr. Pruyn's correspondence, is due to the correspondence's having been rebound. The contents is the same.

Mr.Bingham.

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Notes from Japanese Government ---------19
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" from Miscellaneous ---------27
" to " ---------4
Special Cases and Translations ---------4

Mr.Hubbard.

Dispatches from the Department of State ---------8
" to " "
(with Mr. Bingham's No.6)----1
" to the Department of State (2and3) -----2
Notes from the Japanese Government ---------8
Ditto with Mr.Bingham's No.3 ---------1
To Japanese Government (marked 2) ---------1
From Miscellaneous ---------8
To " " with Mr. Bingham's No.4 ---------1
To " marked 2 ---------1
The Fullert Case ---------1x
The Kernan Case ---------1x

Mr.Swift.

Dispatches from the Department of State ---------3
" to " " ---------1
Notes from the Japanese Government ---------3
" to " " with Mr.Hubbard --1
" from Miscellaneous ---------3
" to " with Mr.Hubbard ---------1

Messrs. Swift and Dun.

Dispatches from the Department of State ---------1
Notes from the Japanese Government ---------1
" from Miscellaneous ---------1

---

x Bound together in the same volume, the Court Record Book.

Mr.Dun.

Dispatches from the Department of State ----------2
Notes from the Japanese Government ----------2
" from Miscellaneous ---------- ----------2

Mr.Coombs.

Dispatches from the Department of State ----------2
" to " "----------
with Mr.Swift) ------1
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" to " with Mr. Swift ----1
" from Miscellaneous ----------2
" to " with Mr.Swift ----------1

Mr.Dun.

Dispatches from the Department ----------8
" to " "
with Messrs. Swift and Coombs1
" " the Department of State ----------1
Notes from Japanese Government ----------8
" to " with Mr.Coombs ----------1
" to Miscellaneous ----------1
Peace Negotiations between China and Japan --------1
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Mr.Buck.

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Miscellaneous Records.

Passport Record Books, 1 Court Record Book,
1 Copy No.25 Cypher Code of Department of State and Pamphlet
No.25 Holoclyptic Code and Appendex to Department Code 1876
Records of Japanese Passports, Leases, Contracts, etc., etc.,
and Foreign Relations.

7-A

Supplementary to Library List.

U.S.Japan Expedition, Commodore M.C.Perry ---------3
Messages and Papers of the Presidents ------------8
Supreme Court Reports (Vols. 91-166inclusive) -----76
Lonholm's Commercial Code of Japan (1st & 2nd Eds.)2
" Civil " " ----------1
" Digest ----------1
Gubbins's Civil Code of Japan ----------1
Chamberlain's Written Language (Japanese)----------1

I hereby certify that the foregoing inventory includes and describes all the archives of this Legation, and all the books in the library thereof and all other books which at any time came into my possession and remain under my control as the property of the United States Government.

A. E. Buck

United States Minister

Tokyo, July 18, 1899.

7-A

Supplementary to Library List.

U.S.Japan Expedition, Commodore M.C.Perry ---------3
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J. E. Buck

United States Minister

Tokyo, July 18, 1899.

ANNUAL FURNITURE SCHEDULE,

Legation of the United States, Tokyo, Japan, July 1st, 1899.

Office Furniture.

6 writing desks
I type-writer desk
1 sofa
3 revolving chairs
2 office bureaux
1 case for records
3 sets curtains, Minister's office
1 washstand
1 Remington type-writer
1 Hammond type-writer
2 copy presses
3 wall maps and 3 sectional maps of Japan
1 small mirror
1 wall map of the United States
2 stoves
3 letter scales
2 office wax seals
large Legation seal with press attached
2 paper punches
1 iron safe
Inkstands, erasers, etc., and stationary
1 coat-of-arms
1 large national ensign, 1 medium, and 1 storm flag
Department mail pouches, keys, etc.
1 seal and leads for mail pouch
1 office carpet and 1 rug
1 book case
8 sets of book shelves
1 round paper stand
1 table
1 cabinet for forms
1 standing desk
Awnings for windows
6 leather covered office easy chairs (1 worn out & discarded)

I hereby certify that the foregoing inventory includes and describes all the office furniture of this Legation.

Alex Buck
United States Minister.

Tokyo, Japan, July 18, 1899.

Schedule of furniture in residence portion of the Legation of the United States at Tokyo.

July 1, 1899.

Dining room.

20 keyaki chairs, leather covered
1 keyaki extension table, 4 ft. 6 by 20 ft.
1 keyaki sideboard
2 keyaki dinner wagons
4 sets curtains
4 white Hollands
1 set fire irons
1 wooden coal scuttle

Drawing room.

1 settee, upholstered
8 easy chairs
1 Percival three seated Ottoman
1 oblong console table
5 white Hollands
5 sets curtains
1 set fire irons
1 coal scuttle

Drawing room II.

1 settee
8 easy chairs
1 Percival three seated Ottoman
2 fancy tables in cherry
2 foot stools
2 sets of curtains
2 white Hollands
1 set fire irons
1 coal scuttle

Library

1 keyaki table
1 keyaki book case
2 easy chairs
2 arm chairs
5 sets curtains
5 white Hollands
1 set fire irons
1 coal scuttle
4 keyaki chairs upholstered in silk

Hall

1 keyaki hatrack
(doormat and foot scraper worn out and discarded)
1 large stove

Note:- Brussels carpets on floors of rooms thus far mentioned

Bed rooms

4 keyaki bedsteads
3 ditto small
7 patent woven wire mattresses
7 horse hair mattresses
4 toilet tables
7 washstands
2 Davenports with plush
14 feather pillows

Miscellaneous.

Electric light fixtures throughout building
Awnings
2 water tanks (one rotten and leaky).

I hereby certify that the foregoing inventory includes and describes all the furniture in the residence portion of this Legation.

Tokyo, July 18, 1899.

United States Minister.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No.330.

July 17, 1899.

See, in connection with this, dispatch No. 334 of July 19

INDEX BUREAU
REC'D.
10 AUG '99
DEPT. OF STATE

DIPLOMATIC,
AUG 15 1899
BUREAU.

Mr. Buck

to the Secretary of State.

Subject:

The Kelly Case.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No 330.

July 17, 1899.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

Referring to my Dispatch No.321 of the 7th instant, in respect to question of the Japanese Courts' taking over and carrying into execution United States Consular Court judgements, with special reference to the case of John Kelly, under going sentence of confinement in our Consular jail at Yokohama, as also in respect to the attitude taken by the Japanese Government not to assume to execute any such unsatisfied judgements, I have the honor to inform you that upon the receipt of your telegram of the 10th instant (confirmed herewith) I addressed a second note to the Minister of Foreign Affairs upon this subject—copy herewith—and presented it in person to and discussed it with the Vice Minister of Foreign Affairs, the Minister being absent.

Yesterday I received a note from the Minister of Foreign Affairs (copy enclosed) contending that the United States Government is in error in its conclusion that should the Japanese Government not assume and through its courts execute unsatisfied judgements of its Consular Courts, it would be a violation of the closing sentence of Art.XVIII of the Treaty of 1894, and that his Government does not see its way clear to comply with the request made "in regard to the future im-"prisonment of John Kelly".

Today John Kelly has been released from custody and will

leave

UNITED STATES LEGATION,
TOKYO, JAPAN.

leave the country at once.

I have the honor to be,

Sir,

Your obedient servant,



Enclosures:

No.I. Mr.Buck to the Minister for Foreign Affairs, No. I48, of July I2th.

No.2. The Minister for Foreign Affairs to Mr.Buck, No. 24, of July I5th.

(Over)

Reading of telegram received.

Washington, July 10, 1899

Buck, Minister, Tokyo.

"Instruction 231 June ninth treats Kelly case in view decisio
"Japanese Government. Nothing further is possible, but it is
"regarded as violate (violation) of concluding sentence Article
"Eighteen Treaty Eighteen Ninety-four. See Instruction 232
"June twenty-ninth.

"Hay"

Enclosure No. / with Mr. Buck's No. 33 of date July 14 1899.
(Copy)

No. I48. Legation of the United States,

Tokyo, July I3, I899.

His Excellency

Viscount Aoki Suizo

His Imperial Japanese Majesty's

Minister for Foreign Affairs.

Sir:

Referring to my Note No I42 of the 6th instant, in respect to the execution of unsatisfied judgements of the United States Consular Courts by Japanese Courts, and, especially, in respect to the case of John Kelly, now confined and undergoing sentence for the term of seven years in the United States Consular jail at Yokohama, I have the honor to inform Your Excellency that, upon your statement to me in person on that date, I telegraphed my Government the result of my interview with you,— that the Japanese Government would decline to execute Consular Court judgements, and that Kelly would be released on July I7th, unless pardoned or removed.

Yesterday I received a telegram from my Government stating that such a decision of the Japanese Government is regarded as a violation of the concluding sentence in Article XVIII of the new treaty. Hence I take the liberty again to address Your Excellency with the Hope that the Imperial Government will reconsider its proposed action and change its conclusions not to carry into execution unsatisfied judgements of United States Consular Courts, and take over and hold Kelly as though convicted by Japanese Courts.

It will be very gratifying to my Government to know of such favorable reconsideration and compliance with what it conceives to be the proper interpretation of the Treaty in respect

respect to jurisdiction being assumed and executed by Japanese Courts on the determination of Consular jurisdiction.

I avai etc.

(Signed) A.E.Buck.

No2

Enclosure, with Mr. Buck's No. 33 of date July 17th, 1899

(Copy)

Translation. No.24.

Department of Foreign Affairs,

Tokyo, the 15th day, the 7th month,

of the 33nd year of Meiji.

His Excellency

A.E.Buck,

Envoy Extraordinary and Minister Plenipotentiary

of the United States of America.

Monsieur le Ministre,

I have the honor to acknowledge the receipt of Your Excellency's two notes dated respectively the 6th and 13th instant, concerning the adjudication by the Japanese Courts of cases pending in the United States Consular Courts on the 16th inst., and the execution by the former Tribunals of civil and criminal judgements of the latter which may remain unsatisfied or unexecuted when the jurisdiction then exercised by the United States Courts in Japan, comes to an end.

Your Excellency's Government seem to be of opinion, having regard to the concluding words of Article XVIII of the new Treaty between Japan and the United States, that the Courts of the United States in Japan must be considered as "quasi "Japanese Courts", since they were substituted to take the place of Japanese Courts, and that, consequently, when the judicial functions of such substituted Tribunals shall cease, the duty will devolve upon the regular Courts of this Empire to take up, continue, and complete the unfinished work of the extinct Courts.

The Imperial Government, I regret to be obliged to say, cannot find it possible to share the views on this subject, which Your Excellency has so clearly and ably presented.

The

The treaty provision to which Your Excellency makes reference in support of the contention of the United States, will not come into force until the I7th inst. It has for its unique object the total extinction of the jurisdiction now exercised by the Courts of the United States in Japan, and when it takes effect such jurisdiction will wholly cease. Under these circumstances and in view also of the fact that the system of American Consular Court as it now exists in Japan is wholly the creature of the Treaty of I858, the Imperial Government cannot bring themselves to the conclusion that the character of those Courts is to any extent or in any wise dependent upon the terms of the Treaty of I894. If, however, the provisions of a Treaty not yet in force may properly be invoked to determine the past status of those Courts, it is certainly permissable to point out that in those same provisions the Courts in question are, without qualification, described as "Courts of the United States in Japan".

It is no doubt true, that the United States Consular Courts were substituted in place of Japanese Tribunals, but, so far as the Imperial Government are aware, there is nothing either in the organization or procedure of those Courts which would give color to the proposition that they are "quasi Japanese Courts". Nor is there anything in their history, so far as it is known to the Imperial Government, pointing to the conclusion that they had hitherto regarded themselves, vis-a-vis the Japanese judiciary, otherwise that as Foreign Courts. Within the limits defined in the conventional engagements to which they owe their existence, their jurisdiction has at all times been and still is complete and exclusive. Consistently with that conception of their attributes, they have not in the past been regarded as auxilliary to the Courts of Japan in

the

the matter of the execution of Japanese judgements, and equally the Japanese Courts have refrained from extending to them judicial aid in the matter of the execution of their judgements. And in the estimation of the Imperial Government the extinction of the American Consular Courts will not, in respect to the acts of those Courts, impose upon the Japanese Tribunals any duties or obligations, which did not exist when such acts were performed. On the contrary I am well convinced that it could not have been the intention of the framers of the Treaty of 1894, to establish a continuity of jurisdiction upon the transfer of competence from one judicial system to another.

The jurisdiction of the United States Courts in Japan absolutely terminates from a given date and from the same date the Japanese Courts assume and exercise a new jurisdiction equal in extent to extinguished jurisdiction. Although the assumption of jurisdiction in the one case follows immediately upon the cessation of jurisdiction in the other, the two are entirely serarate and distinct; and it cannot be said that the one is perpetuated in the other. The words "such juris-"diction" appearing in Article XVIII of the New Treaty, it seems to me, were intended to mean nothing more than that the new judicial authority of the Japanese Courts should be co-extensive with the jurisdiction now exercised by the United States Courts. This view of the question is, I permit myself to add, entirely consistent with the recent suggestion of Your Excellency's Government that the points now under discussion should be made the subject of a special convention.

The Imperial Government are, moreover, persuaded, having regard to the differences that actually exist in our respective countries, in the matter of judicial organization, procedure

ure, and punishment, that it would be impracticable, and it might also in certain cases be unjust to litigants, for the Japanese Tribunals to undertake the duties which Your Excellency's Government think devolve upon them. Besides, the existing laws of the Empire would not permit such Courts to continue proceedings instituted in Foreign Courts or to execute criminal judgements not pronounced by Japanese Tribunals.

Entertaining these views on the general subject, I am reluctantly compelled to acquaint Your Excellency that the Imperial Government do not see their way to comply with the request of Your Excellency's Government in regard to the future imprisonment of John Kelly.

I avail etc.etc.

(Signed) Viscount Aoki Suizo,
Minister for Foreign Affairs.

DIPLOMATIC,
AUG 12 1899
BUREAU

UNITED STATES LEGATION,
TOKYO, JAPAN.

No.331.

July 17, 1899.

INDEX BUREAU
REC'D.
10 AUG '99
DEPT. OF STATE

2D ASSISTANT SECRETARY,
To Secy of War -
Ack with gratification as the cordial treatment of our returning soldiers.
AUG 11 1899

Given to the Press. C.C. Approved Aug. 11. 99 Asst. Sec. of State.

See No. 361, Dec. 3/99 from Minister

J.C.C. 11/3/99

Aeka. and To Dept. of War Aug 14/99

Yokohama Aug 31/99

Mr. Buck

to the Secretary of State.

Subject:

American soldiers passing through Yokohama.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No 331.

July 17, 1899.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

Thinking that it will be agreeable to the Department to know of the good conduct of our soldiers who have spent a few days in Yokohama and Tokyo, en route home from Manila, I have the honor to inform you that some days ago upwards of 1200 soldiers arrived in Yokohama on transport "Hancock" and some 800 on the "Senator". They comprised the Utah Artillery, the First Nebraska Volunteer Infantry, and a Pennsylvania regiment

They have spent several days sight-seeing in Yokohama and Tokyo and so far as I can learn no complaint whatever has been made of the conduct of any one of them made. Neither our Consul General at Yokohama, nor I, have heard a word of criticism or a disparaging remark about any of them. I saw many of them and they were most exemplary in their conduct.

It is very gratifying to American citizens in Japan and especially to me to see such an illustration of American manhood and such credit reflected upon our citizen soldiery.

The enclosed slip, cut from the Herald, a daily paper of Yokohama published by an Englishman, is only confirmatory of what I have seem and heard.

I have the honor to be,

Sir,

Your obedient servant,

Enclosure:-Clipping, as above.

E. H. Buck

Enclosure with Mr. Buck's No. 331, of July 17th, 1899.

The Japan Daily Herald.

[WITH SUPPLEMENT.]

SATURDAY, JULY 15TH. 1899.

A FINE BODY OF MEN.

For the last three days we have had in Yokohama nearly three thousand American Volunteers, who having completed their term of service in the Philippines are now homeward bound. They are the Nebraska and Utah Regiments on board the *Hancock* and the Pennsylvania Regiments on board the *Senator*. Many remarks have been made about the general appearance of these men, who coming as they do from hard fighting at the front against the Filipinos—and the Nebraska and Utah Regiments have done some of the severest fighting—do not always present the spotless purity of appearance usual in soldiers on parade. They are nearly all big men, some, and in fact most of whom, showing clear traces of the campaigning and mental worry to which they have been subjected, in their sunburnt skins and somewhat cadaverous cheeks. But one thing is apparent to everybody, and that is the exemplary behaviour of this large number of men on shore leave. A few thousand soldiers are a small army and nobody who has watched them can have failed to remark, as they roam over the town, their quiet and friendly demeanour towards Japanese and foreigners alike and the entire absence of drunkenness among their ranks. The police, on whom the brunt of keeping order devolves in the first instance, report—both in Nagasaki and here—that they have not had a single case of refractory behaviour or intoxication to deal with. Large numbers of these volunteers have made the Grand Hotel their headquarters and there they can be seen at leisure. All of them seem to have "money to burn," for they have bought curios and souvenirs of Yokohama in large quantities. And this is not to be wondered at, for aside from the fact that the American soldier is the best paid soldier in the world, we find that their ranks are not made up of vagabonds, who were out of a job in the first place, and took the chance to get employment, but of intelligent men, among whom are bankers, lawyers, merchants, farmers, mechanics etc. etc. who left their homes when the country called for volunteers to fight for its cause. And these men have done honour to their country and to their flag. They have shown that gentlemen can be fighters, and are proving now that fighters can be gentlemen.

Mr Branagan

UNITED STATES LEGATION,
TOKYO, JAPAN.

No.332.

July 17, 1899.

INDEX BUREAU
REC'D.
10 AUG '99
DEPT. OF STATE

3rd. ASST. SECRETARY.
AUG 12 1899

3rd. ASST. SECRETARY.
AUG 14 1899

√ Aug & Sept 5 1899

RECEIVED.
AUG
22
1899
BUR. ACCOUNTS. DEP. OF STATE.

Mr. Buck

to the Secretary of State.

Subject:

Requesting $800. for repairs.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No 332.

July 17, 1899.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to apply for $800. of the $3000. fixed in appropriation by Act of Congress approved February 9, 1899 "To enable the Secretary of State to keep in repair the Lega- "tion and Consular premises owned by the Government of the "United States and occupied by its agents".

A careful estimate of the needs of this Legation shows that the following sum is required to be expended to keep up repairs for the current fiscal year, to wit, $800:

Repairs on fence of compound, sills, foundations of gate-house, and the repairs of the main Legation building and out-houses, not including Secretary's house, together with office furniture and repairs, $600. as per the following statement:

The old wooden fence about the compound, repaired from time to time, ought to be replaced by a new one built of stone, brick, and iron at a cost of not less than $2500.—upon three sides about 1200 feet in length in all. As it is, it will cost to repair it with like material of which it was built, about $250.

The office occupied by me requires painting, papering, and some new furniture. The furniture is so worn and out of repair that it is necessary to have new furniture in part and repairs in part—cost about $100.

New book-cases must be supplied also for my office, for the office library, at a cost of some $80.

Those

Those now in use are very inferior and unsightly and have not sufficient capacity for the books. They are needed for the accommodation of the accumulating books and records of the Secretaries' offices.

A new office carpet or rug is also needed at a cost not to exceed $80., as also drawing-room carpet to cost about $100. The old carpets of both rooms can still be of service by laying them in other rooms where there are now none.

It may not be improper to state that at my own expense I have added about 6000 yen in furnishing the Legation to make the interior, in some respects at least, compare favorable with other legations.

Repairs upon the Secretary's house now necessary will cost about $150. including drainage etc. A new water tank must be made to replace one now rotten and leaking, at a cost I think, of not more than $75. There are two; one of them I had renewed last year.

The sum total of expenses, as per above items, exceeding somewhat the eight hundred dollars asked for, can be met, together with sundry other expenses that will be necessary in caring for and keeping up the property, out of the contingent fund.

I have the honor to be,

Sir,

Your obedient servant,



333.

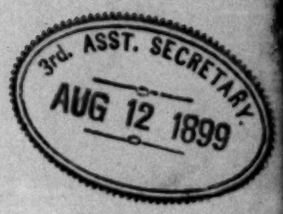
not written.

Dep Bureau

No.334. UNITED STATES LEGATION,
TOKYO, JAPAN.

Confidential. July 19, 1899.





√ Attorney General
Aug 12. 1899.
Ackd Aug 15

Mr. Buck

to the Secretary of State.

Subject:

The case of John Kelly, etc.

No.334. UNITED STATES LEGATION,
TOKYO, JAPAN.

Confidential. July 19, 1899.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

Referring to my Dispatch No.330 of the 17th instant, in respect to the Japanese Government's refusal to assume the execution of unsatisfied judgements of our Consular Courts, with especial reference to the case of John Kelly, the only unsatisfied judgement of which I have any knowledge, I have the honor to state that the Counsellor of the Foreign Office called upon me yesterday and, in conversation touching the Kelly case, led me to infer that, if the case of Kelly alone had to be considered, the conclusion of the Government might have been that its Courts must assume to hold and continue him in confinement in the execution of his sentence; but the fear that other Powers having unsatisfied judgements would claim the benefit of such a decision to the embarrassment of the Government may have caused it to justify itself with arguments to sustain a different position.

Whether my inference is correct or not, I have thought it worthy of statement, as perhaps accounting to some degree at least for the conclusion reached by the Japanese Government

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

Dispatch Aug 23/99

2D ASSISTANT SECRETARY. Ack. acquiescing in the arrangement. AAH
AUG 21 1899

DIPLOMATIC
AUG 21 1899
BUREAU

UNITED STATES LEGATION,
TOKYO, JAPAN.

No.335.

July, 20, 1899.

INDEXED BUREAU REC'D. 21 AUG '99 DEPT. OF STATE

Mr.Buck

to the Secretary of State.

Subject:

Mr.Buck's departure for a sojourn at Chuzenji.

UNITED STATES LEGATION,
No.335. TOKYO, JAPAN.

July 20, 1899.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

Referring to my Dispatch No.305 of date the 6th ultimo, in which I stated my intention to spend some time during the summer at Chuzenji, leaving here on some day in July, I have the honor to inform you that tomorrow the 21st instant I shall take up my temporary residence at that place for some two months, returning frequently and as often as occasion may require.

In my absence from Tokyo one of my Secretaries will keep the Legation open for business.

I have the honor to be,

Sir,

Your obedient servant,

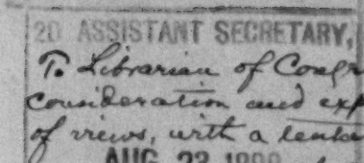


UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 336.

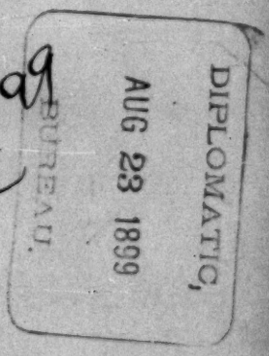


July 20, 1899.



To Librarian of Congress for consideration and expression of views, with a tentative draft of agreement if in his judgment such an arrangement as Mr. Buck suggests be practicable.
Ack. will have consid'n.
aag

Ackn and
to Lib. of Congr.
Aug. 25/99 C



Mr. Buck,

to the Secretary of State.

Ans'd
Oct 6/99 C

Subject:

Suggesting Copyright Agreement with Japan.

UNITED STATES LEGATION,
TOKYO, JAPAN.

NO. 336.

July 20, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to enclose herewith translations of two Imperial Ordinances recently published in the Official Gazette announcing that Japan had joined the International Convention for the Protection of Industrial Property signed at Paris on March 20, 1883, and the protocol thereto signed at Madrid in April, 1891; also the International Convention for the Protection of Literary and Fine Art Copyright signed at Berne on the 9th September, 1886, and the supplementary provisions signed at Paris in May, 1896.

In this connection I have the honor to call attention to Article XXVIII of the Japanese Law of Copyright (translation of which was enclosed with No. 271, of March31st, last) which reads as follows:

" Article XXVIII. -- The provisions of this law shall be
" applied with respect to the copyright of foreigners, ex-
" cept as specially determined by treaty. Provided, that
" in case no provision is made in the treaty relative to
" the protection of copyright, those foreigners who have
" published their works for the first time in the Empire
" shall alone be entitled to enjoy the protection of this
" law."

In

UNITED STATES LEGATION,
TOKYO, JAPAN.

NO. 336.

July 20, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to enclose herewith translations of two Imperial Ordinances recently published in the Official Gazette announcing that Japan had joined the International Convention for the Protection of Industrial Property signed at Paris on March 20, 1883, and the protocol thereto signed at Madrid in April, 1891; also the International Convention for the Protection of Literary and Fine Art Copyright signed at Berne on the 9th September, 1886, and the supplementary provisions signed at Paris in May, 1896.

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" the protection of copyright, those foreigners who have
" published their works for the first time in the Empire
" shall alone be entitled to enjoy the protection of this
" law."

In

In the absence of any provision relating to the protection of copyright in our present treaty with Japan, the above quoted Article of the Japanese copyright law would, in my opinion make it impossible for the Government of Japan to give "the necessary assurance, [by diplomatic note] under her laws, that our citizens enjoy within Japanese jurisdiction equal benefits with her own subjects, in the matter of copyright", and thus to fulfil the first condition of Section 13 of the Act of Congress of March 3, 1891,-as suggested in Mr. Olney's instruction to Mr. Dun of November 12, 1896,-inasmuch as the Japanese law appears to put no such restriction of priority of publication upon its own subjects.

I have the honor, therefore, to suggest that, in view of the importance of the protection of the rights of our own nationals in this regard in Japan, as well as to procure for them the privileges enjoyed by other Powers through the Convention of Berne or by treaty provision, I be instructed to negotiate a formal agreement with the Japanese Government respecting the mutual protection of copyright, following the precedent of the copyright agreement of the United States with Germany signed on January 15, 1892, or that the Department, if it see fit, take steps in Washington to that end. I have reason to think that such an agreement would be acceptable to the Japanese Government.

I have the honor to be,

Sir,

Your obedient servant,

Enclosures: Translations of Ordinances as noted.

Enclosure with Mr. Bucks No. 336.

We enter into the treaty concerning the establishment of the international alliance for the protection of literary and artistic works, signed[x] by at Berne in Switzerland on the 9th September 1886, and the appended provision and the declaration of interpretation (explanation) signed[x] at Paris in France on the 4th May 1896, and we have them hereby promulgated.

Imperial Sign Manual

Imperial Seal.

12 July 32nd Meiji.

Marquis A. Yamagata,
Prime Minister

Marquis Y. Saigō,
Minister for Home
Affairs.

Viscount S. Aoki,
Minister for Foreign
Affairs.

[x] Sealed (lit.)

Enclosure with Mr. Ruoff's
No. 336

We enter into the treaty of the alliance in regard to the protection of the industrial ownership signed[x] at Paris (France) on the 20th March 1883 and the protocol concerning the maintenance of the business office of the protection of the industrial ownership, and have them hereby promulgated.

Imperial Sign Manual
and Imperial Seal.

12 July 32nd Meiji.

Marquis A. Yamagata,
Prime Minister.

Viscount S. Aoki,
Minister for Foreign Affairs.

Mr. A. Soné,
Minister for Agriculture and Commerce.

x Affixed a seal (lit.)

DIPLOMATIC
AUG 21 1899
BUREAU

No. XX.

UNITED STATES LEGATION,
TOKYO, JAPAN.

INDEX BUREAU
RECD.
21 AUG '99
DEPT. OF STATE

July 27, 1899.

Honorable John Hay,

Secretary of State,

Washington.

Dis ∞ Aug 23/99

2D ASSISTANT SECRETARY,
Grant as asked. See direction.
to advise Mr. Buck.
AUG 21 1899

Sir:-

I have the honor to request that I may be granted a leave of absence for sixty days for the purpose of visiting China, such leave to be available, subject to the approval and consent of the Minister, on or about the 1st of October next.

I have the honor to be,

Sir,

Your obedient servant,

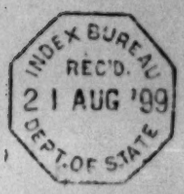
Joseph R. Stevens
Secretary of Legation.

File

Serial
File 8/23

UNITED STATES LEGATION,
TOKYO, JAPAN.

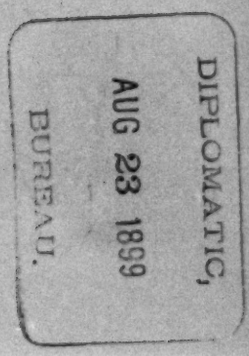
No. 337.



July 28, 1899.

Mr. Buck

to the Secretary of State.



Subject:

Action of Japanese Government in case of Kelly.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 337.

July 28,1899.

Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to acknowledge the receipt yesterday of your Instruction No. 232 of June 29th, referring to my despatch No. 296 of May 28th last, in respect to the Japanese Courts taking over and finishing all pending and unfinished business of our Consular Courts on July 17th, when the New Treaty shall go into operation, also confirming your Instruction by telegram of the 28th ultimo.

By my despatch No. 330 of the 17th instant and enclosures, you will be informed of the result of my efforts in presenting to the Japanese Government the position taken by the United States and insisting that to take a contrary view and refuse to accept and act in conformity with this position would be violative of the treaty obligation.

In consequence of the refusal of the Japanese Government to require its Courts to assume and execute the judgments of our Consular Court in the case of John Kelly,- the only case in question so far as I am informed,- he was released on the 17th instant, and two days later left the country, taking passage by steamer to Hongkong.

I have the honor to be,

Sir,
Your obedient servant,

A. E. Buck

DIPLOMATIC, PRINTED IN ADVANCE SHEETS NO. 545

OCT 5 1899

BUREAU.

UNITED STATES LEGATION,
TOKYO, JAPAN.

2D ASSISTANT SECRETARY,
To the Bureau to print
Note sending copies of Adv. Shs.
AUG 22 1899

RECD
21 AUG '99
DEPT OF STATE

No. 338.

July 29, 1899.

Mailed to Mr Buck
Oct. 6/99. Three copies
of Advance Sheets of Com.
Reports, No. 545.

Mr. Buck,

to the Secretary of State.

Subject:

Translations of laws and regulations relating to foreigners.

UNITED STATES LEGATION,
TOKYO, JAPAN.

No. 338

July 29, 1899.

Honorable John Hay,

Secretary of State,

Washington, D.C.-

Sir:

I have the honor to enclose herewith translations of various new regulations and notifications issued by the Japanese Government recently, which are of interest as relating to foreigners.

I have the honor to be,

Sir,

Your obedient servant,

W. E. Buck

Enclosures: Translations as follows:-

1.- Registry of immoveables (Imp. Ord. Nos.329 & 333)

2.- Same --------- -------(Notification No. 41)

3.- Medical inspection of ships.

4.- Law concerning mixed residence of non-treaty powers

5.- Regulations relating to religion.

6.- Amended prison regulations.

7.- Principal points of revenue law.

No. 1. With Mr. Bucks despatch of July 29.
No. 338

IMPERIAL ORDINANCES.

The Chairman of the International Committee has forwarded the following translations by Dr. Lönholm for publication :—

IMPERIAL ORDINANCE No. 329 OF JULY 7TH, 1899.

1.—If a right in an immovable which might be set up against third persons has been duly acquired by an alien or a foreign juridical person before the time fixed in the Imperial Ordinance No. 251 of the 32nd year of Meiji, * but has not been registered before the said time, it cannot be set up against third persons unless it is registered within one year from such time.

2.—For the immovables mentioned in Art. 1 special Registry Books shall be opened and kept at the respective Registry Offices within whose jurisdiction the places are where such immovables are situated.

3.—Each folio of a Registry Book mentioned in the preceding Article is divided in a column for the number of registration, a division for the designation of the immovable, and four sections headed respectively Kō, Otsu, Hei, Tei.† The division for the designation contains a column for the description and a column for the number of description. Each of the four sections contains a column for the subject matter of the registration and a column for the number of the order.

In the column for the number of registration as to each piece of land or building is entered the order in which it has first been registered in the Registry Book.

In the column for the description the land, buildings or out-buildings are described and alterations of the same are entered. In the column for the number of the description the order of priority of the matters entered in the column of description is entered.

In the column for the subject matter of section Kō are entered :

a. In the Land Registry Book matters relating to superficies ;

b. In the Building Registry Book matters relating to ownership.

In the column for the subject matter of section Otsu are entered matters relating to preferential rights, pledges, and mortgages.

In the column for the subject matter of section Hei are entered matters relating to leases.‡

In the column for the subject matter of section Tei are entered matters relating to rights not mentioned in the three preceding paragraphs.

In the column for the number of the order is entered the number indicating the order of priority of each matter registered in the column for subject matters.

4.—When an application for registration is made, all facts which can be set up against third persons must be mentioned in the application, and the documents necessary to prove such facts must be annexed.

5.—A copy of the Registry Book of a Foreign Consulate relating to an immovable mentioned in Art. 1 has the same effect as the Registry Book.

When an application for registration as to an immovable registered in a Foreign Consulate is made after this Ordinance takes effect, the provisions of Art. 168‖ of the Law Concerning the Registration of Immovables apply correspondingly.

The Minister of Justice may make necessary rules in regard to matters mentioned in the foregoing two paragraphs.

6.—As to matters not provided for in this Ordinance the provisions of the Law Concerning the Registration of Immovables apply correspondingly.

ADDITIONAL PROVISION.

This Ordinance takes effect on July 17th, 1899.

IMPERIAL ORDINANCE No. 333 OF JULY 7TH, 1899.

1.—When a Japanese subject or Japanese juridical person acquires a superficies or lease intended to be perpetual, which has been created for an alien or for a foreign juridical person in land which belongs to the Government, such person acquires the ownership of the land.

2.—If in the case mentioned in the preceding article the land does not belong to the Government, the superficiary or lessee may acquire ownership of the land on paying a proper sum to its owner.

If a superficiary or a lessee on the demand of the owner gives notice of his intention not to acquire the ownership as above provided, or if he does not within one year after such demand proceed as specified in the foregoing paragraph, the owner may apply to the court to have the duration of the superficies or the lease determined in accordance with the provisions of the Civil Code on paying a proper indemnity.

3.—The provisions of the preceding two Articles shall not affect any rights which third persons may have in such land.

ADDITIONAL PROVISION.

This Ordinance takes effect on July 17th, 1899.

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* That is the time fixed for the taking effect of the new Treaties, either the 17th of July or the 5th of August, 1899.

† That is A. B. C. D.

‡ Properly "hiring," *chintaishaku*.

‖ That article relates to the forms on which registrations are to be made in the Registry Book.

No. 2, with Mr. Rucker's despatch No. 338 of July 29.

NOTIFICATION NO. 41 OF THE JUDICIAL DEPARTMENT.

The following procedure is established for dealing with the registration of immoveables which are subject to the rights of foreigners or foreign juridical persons.

(Signed) KIYOURA KEIGO,
Minister of Justice.

July 10th, 1899.

Art. I.—The provisions of the detailed regulations for carrying out the Law of Registration of Immoveables shall, except when there is a special provision to the contrary in this notification, apply, *mutatis mutandis*, in the case of registration governed by the provisions of Art. I of Imperial Ordinance No. 329 of 1899.

Art. II.—The Local Courts shall prepare Land Registers relating to the rights of foreigners, or foreign juridical persons in accordance with the forms, Annex No. 1, and Registers of Buildings relating to the rights of foreigners or foreign juridical persons in accordance with the forms Annex No. 2.

Art. III.—Copies of the registers of foreign Consulates shall be bound together and kept separately according to each country by the Local Courts, and the President of a Local Court shall note on the back of the covers the number of pages they contain, and write thereon his official title and name, and affix his seal of office, and having also sealed *Keiin*, shall transmit them to the registration office which has control in the matter.

Art. IV.—The Local Courts shall make translation of the copies of the Registers of foreign Consulates, and the procedure laid down in the preceding article shall also be followed in the case of these translations.

Art. V.—The Local Courts shall annex, in the copies of the Registers of the foreign Consulates, numbers to all the registrations according to the order of the registrations in the various volumes, and shall also affix the same numbers to translations of copies of Registers.

Art. VI.—When the certificate to be attached to an application in accordance with the provisions of Article IV of Imperial Ordinance No. 329 of 1899, is written in a foreign language, the applicant shall attach to it a translation thereof.

Art. VII.—In transferring the registrations of foreign Consulates to the Registers in accordance with the provisions of the second clause of Art. V of Imperial Ordinance No. 329 of 1899, it shall be made according to translation of them.

Art. VIII.—When the registrations of foreign Consulates have been transferred to the Registers, the fact that they have been transferred to page No..... of Volume No. ..... of the Registers, the numbers of the registrations, and the dates, shall be noted on the copies of the Registers of foreign Consulates and on the translations of them, and they shall be sealed by the registrar.

Art. IX.—In the case of registration made in accordance with Imperial Ordinance No. 329 of 1899, Index Books of registrations of Land and of registrations of Buildings shall be specially kept. Matters relating to the registrations of foreign Consulates shall also be inserted in these Index Books.

Art. X.—In cases where Japanese subjects or juridical persons acquire rights of superficies or rights of lease, which were established with the intention of their continuance in perpetuity for foreigners or foreign juridical persons, the registrar shall, when he registers them in Land Registers relating to the rights of foreigners or foreign juridical persons, close the entries of registration relating to those rights.

Under the circumstances mentioned in the preceding clause, when there are among those registration entries, registrations relating to other rights, which have as their subject rights of superficies or rights of lease, registration of cancellation of such registration shall be effected, and the registration entries shall be closed after the registrations relating to other rights have ceased to appear among the registration entries.

Art. XI.—In cases where Japanese subjects or juridical persons acquire rights of ownership of land in accordance with Art. I or II of Imperial Ordinance No. 333 of 1899, when there are, among the entries of registration of the Land Registers relating to the rights of foreigners or foreign juridical persons, registrations relating to other rights which have as their subject rights of superficies or rights of lease, and when those registrations remain uncancelled, registration of such rights of ownership only shall be effected in the General Register.

Art. XII.—In cases where there are registrations relating to the same land in the General Register and in the Land Register relating to the rights of foreigners or foreign juridical persons, or in the copies of the Registers of foreign Consulates, the Registrar shall, in a convenient manner, put marks of mutual reference in suitable places among the registration entries (including, in the case of copies of the Registers of foreign Consulates, the translations) of each Register.

No. 3, with Mess. Ruckis July 29th
No. 338

RULES OF PROCEDURE FOR THE MEDICAL INSPECTION OF SHIPS.

NOTIFICATION No. 26 OF THE DEPARTMENT OF STATE FOR HOME AFFAIRS.

July 14th, 1899.

Art. I.—When a vessel arrives at a port where medical inspection is in operation, she shall hoist the flag prescribed by the international code of signals, approach the guardships or the look-out, and be ordered to stop temporarily, after which the following information shall be obtained with regard to the master and each of those on board :—

1. The name of the port of exit.
1. The name of any ports of call.
3. Whether there is any person actually suffering from a contagious disease or whether any person has died of such a disease.
4. Whether on the voyage, or during stay in ports of call, there has been any case of sickness or death from contagious disease.
5. Whether any communication has been held with a vessel in which there has been a case of sickness or death from contagious disease.

Vessels which are clearly known to be navigating home waters shall not be required to stop, or furnish information, as prescribed in the above clauses.

Art. II.—When, in consequence of the roughness of the sea, a ship can not be visited, the above information shall be obtained by the aid of the international code of signals, and, if medical inspection is necessary, the ship shall be required to anchor outside the harbour, and wait until the sea has subsided, after which she shall be visited.

In the event of a ship's disobeying the order to anchor outside the harbour, or continuing her voyage without regard to the signals, she shall be required to put back, and to furnish the required information or undergo inspection. In such a case, the fact shall be communicated to the office of harbour affairs and to the police station.

A ship arriving after sunset, provided she is not a mail steamer or has no special reason for despatch, shall be required to anchor outside the harbour, and to furnish the required information or undergo inspection the following morning.

Art. III,—In the case of a ship as above coming from a foreign port or from Formosa, written forms as prescribed shall be handed to the master or to one of the officers and they shall be required to fill in the required information. At the same time, the whole or a part of the passengers and crew shall be ordered to assemble upon the deck, and, after the written forms have been received, all these persons, as well as the cabins, shall be inspected. Should the inspection reveal nothing unusual, a permit shall be handed to the master or to his representative.

Art. IV.—With regard to the ships mentioned above, the following procedure shall be observed :—

1. When there is actually on board a persons suffering, or a person who has died, from a contagious disease, or when there has been a case of illness or death from contagious disease on the voyage or while in a port of call, the process of disinfection shall be carried out, and the ship shall be detained, unless the disease is small-pox or scarlet fever.

2. When a ship has sailed from an infected port, or has called at such a port, or has had communications with an infected ship, or when there are doubts as to these points, the process of disinfection shall be carried out, and she shall be required to stop, unless the disease is small-pox scarlet fever.

3. Vessels coming within the purview of Art. VI of the Open Port Regulations need not undergo disinfection.

In the case mentioned in this clause, information shall be given to the harbour office, the custom house, the post office, and the police.

Art. V.—Should a ship belonging to the category of clause 1 Art. III, have on board a person suffering from, or the body of a person who has died of, a contagious disease other than those enumerated in Art II. of the Regulations for Carrying out Medical Inspection in Open Ports, a report must be sent to the police office of the district.

Art. VI.—A passenger or member of the crew who has come into contact with or who is suspected of having come into contact with, a person suffering from, or the body of a person who has died of, pest, cholera, or yellow fever, shall be required to move to the quarantine station.

Art. VII.—In the case of a foreign or native man-of-war, the information detailed in Art. I shall be obtained in writing from the commander or the medical officer. Under such circumstances, the usual written forms need not be employed nor need a permit be given.

Art. VIII.—When a ship of war, foreign or native, falls within the category of the 1st clause of Art. IV, she shall be disinfected, after consultation with her commander.

Art. IX.—When ships or articles are disinfected, the following provisions shall be observed :—

(Here follow seven clauses setting forth the process of disinfection in detail).

Art. X.—When the passengers or crew of a ship are detained, inspections shall be made from time to determine the state of their health, and medical examinations may be carried out should such a course appear necessary.

No. 4 with Inc. Rec'd No. 338
July 29.

RESTRICTED MIXED RESIDENCE.

As announced, an Imperial Ordinance relating to the residing in this country of foreigners not coming under the revised treaties was promulgated by Friday's *Official Gazette*, the text running as follows :—

We, with the advice of the Privy Council, hereby give our sanction to the present Ordinance relating to the residing and carrying on business of foreigners who are not entitled to freedom of residence in virtue of treaty or usage, and order it to be promulgated.

(His Majesty's Sign Manual.)
(Privy Seal.)

27th July, 1899.

(Countersigned.)

Marquis ARITOMO YAMAGATA,
Minister President of State.

Marquis TSUKUMICHI SAIGO,
Minister of Stats for Home Affairs.

Viscount SHUZO AOKI,
Minister of State for Foreign Affairs.

KEIGO KIYOURA,
Minister of State for Justice.

IMPERIAL ORDINANCE No. 352.

Art. I.—Those foreigners who are not entitled to freedom or residence in virtue of treaty or usage, may live, more about, pursue business and execute other acts in places outside the former concessions and mixed quarters. However labourers may not live or pursue their occupation outside the former concessions and mixed quarters, unless under a special permission of an Administrative Office.

Rules in detail for classifying the labourers and for putting in operation the present, Ordinance shall be determined by the Minister of State for Home Affairs.

Art. II.—Those who violate the provision of the first paragraph of the preceding article shall be sentenced to a fine not exceeding 100 *yen*.

SUPPLEMENTARY RULES.

Art. III. —The present Ordinance shall be enforced from 4th August, 1899.

Art. IV.—Imperial Ordinance No. 137 issued in 1894 shall be abolished simultaneously with the enforcement of the present Ordinance.

* * *

With respect to the above Ordinance, the following Regulations for putting it in force have been issued by the Home Office :—

ORDINANCE OF THE DEPARTMENT OF STATE FOR HOME AFFAIRS, NO. 42.

It is hereby notified that the Regulations for putting in force the Imperial Ordinance No. 352 of the 32nd year of *Meiji*, relating to the residence, occupation, etc., of foreigners who are not entitled to the freedom of residence in virtue of treaty or usage, have been determined as hereinafter mentioned.

Marquis TSUKUMICHI SAIGO,
Minister of State for Home Affairs.

Dated the 20th day of the 7th month of the 32nd year of *Meiji*.

Art. I.—The "Administrative Office" mentioned in Art. I of the Imperial Ordinance No. 352, of the 32nd year of *Meiji* shall be represented by the Chief of the Hokkaido Administration Office or the Governor of a *Fu* or *Ken*.

Art. II.—The "labourers" mentioned in Art. I of the said Imperial Ordinance shall designate those who engage in agricultural, fishery, mining, engineering, architectural, transportion driving of jinrikisha and other vehicles. wharf and other miscellaneous labours. However those employed in domestic service, or in cooking or acting as waiters shall not come under the foregoing clause.

Art. III.—The permission granted to labourers may be withdrawn by the chief of the Hokkaido Administration Office or by a Governor of a *Fu* or *Ken* when such withdrawal is deemed essential for public utility.

No. 338

No. 5 with Mr. Buck's July 29.

RELIGIOUS PROPAGANDISM.

By departmental ordinance No. 41 issued by Thursday's *Official Gazette* the Home Office has promulgated the following regulations concerning religious propagandism.

"Art. I.—Any one who wishes to engage in the work of religious propagandism shall forward a report to the Local Governor having jurisdiction over the place where the applicant keeps his residence or is residing, and the report shall set forth the undermentioned points accompanied by a written account of his or her personal history.

"1. Name of religion.

"2. Mode of propagandism.

"Those who have been engaged in the work of propagandism prior to the enforcement of the present regulations, shall forward a report as specified in the present article within two months from the date of the enforcement of the present regulations.

"Art. II.—Those who wish to build a temple, church, or mission or lecture hall to be used for religious purposes, shall forward an application setting forth the following particulars to the Local Governor having jurisdiction over the place where such an edifice is to be erected, and shall obtain his permission:—

"1. Reason why the construction is necessary.

"2. Date when the work of construction will be completed.

"3. Name of the edifice, locality, principal points concerning the ground and edifice, to be accompanied by a plan.

"4. Name of religion.

"5. Mode of control and maintenance.

"6. In case a propagandist is placed in charge of the edifice, his qualifications and the mode of his appointment.

"In case a temple, church, or mission or lecture hall is not established within the date specified in the 2nd clause, the permit shall become invalid.

"The founder of a temple, church, or mission or lecture hall built prior to the enforcement of the present regulations or in case there is no founder, or in case the founder is prevented by unavoidable circumstances its trustee or trustees shall forward the report setting forth the particulars of the 1st clause to the Local Governor within two months from the date of the enforcement of the present regulations.

"When the report mentioned in the foregoing clause has been forwarded, the edifice in question shall be regarded as having obtained the permit mentioned in the 1st clause.

"Art. III.—The founder mentioned in the preceding article, or in case there is no founder or in case the founder is prevented by unavoidable circumstances, its trustee or trustees shall forward written statements of the personal histories of the trustee and progandists in charge, to the Local Governor, the same process being followed when trustee or propagandists in charge have been changed.

"Art. IV.—When a change has been made regarding matters mentioned in the particulars specified in Art. I, the fact shall be reported to the Local Governor within two weeks by the person engaged in the work of propagandism.

"When a change is to be effected in regard to matters set forth in the respective categories of Art. II, the founder, or when there is no founder, or when the founder is prvented by unavoidable circumstances, the trustee or trustees shall apply for a new permit of the Local Governor by acquainting him in writing with the reasons thereof. In case, however, a change is to be made in the site the permit shall be obtained from the Local Governor possessing jurisdiction over the place to which the edifice is to be removed.

"In case a temple, church, or mission or lecture hall employed for religious purposes, is to be discontinued from being so used or removed to a new site, the fact shall be reported to the local Governor concerned within two weeks of the discontinuance or removal.

Art. V.—Matters pertaining to Shinto or Buddhist propaganda or the construction, removal, or discontinuance of Shinto or Buddhist temples, mission halls etc., shall be dealt with in accordance with the regulations already in force.

Art. VI.—The present regulations shall be put in force on and after August 4, 1899.

No. 6 with Mr. Bucks July 29.
No. 338

AMENDMENT OF THE PRISON REGULATIONS.

By Imperial Ordinance No. 344 issued by Tuesday's *Official Gazette*, some marked amendments have been effected in the Prison Regulations, the portions amended being as follows:—

Art. VI.—In case a person is to be newly imprisoned, imprisonment shall be effected after the warrant, the decision of the court, and the writ of execution and other legal documents have been duly examined.

(The old article provides the examination only of the writ or the decision of the Court).

Art. VII.—When an imprisoned woman asks for permit to nurse herself her own infant or infants, such request may be allowed till the infant or infants grow up to the age of one calendar year.

(The old article puts the limit of the age to full three years.)

Art. VIII.—The personal effects of a person newly incarcerated shall be kept in trust at the prison after they have been inspected. However the above provision may not apply to the property to be dealt with in accordance with the Prison operation rules.

(The old article closes the sentence of the first clause with the words "by the chief jailer," and besides does not contain the proviso.)

Art. XVII.—The work to be performed by convicts on penal servitude shall be determined according to the category and nature of crime, his or her age, proclivity, future prospects, etc., and also according to his or her physical conditions.

(The old article simply states that the work to be imposed on convicts on penal servitude shall be determined according to their bodily strength.)

Art. XVIII. — The following two clauses have been added.

"Besides provided for, in the above two clauses what is a prisoner may be temporarily exempted from the alloted labour, subject to the sanction of the Home Minister.

"Those who are employed on business connected with the necessary works in the keeping of the prison, as cooking, cleaning, etc. may not be exempted from labour." (The old article provides that convicts shall be relieved from labour on the following days:—1st and 2nd days of January, on all the regular national holidays, ten in number, excepting that which falls on the 1st of January, new year's eve, also for three days when a convict loses either parent by death.)

Art. XXII.—After 100 days of penal servitude have been undergone, a prisoner where convicted of felony, shall receive as his own share 10 to 50 per cent. and, where convicted only of malfeasance 20 to 60 per cent., of his earnings. A convict not on penal servitude or a criminal defendant who undertakes work shall receive 70 per cent. of his earnings. The above provision shall apply also to cases where a convict on the service has been made to undertake extra labour. (The old article provides that a convict convicted of felony shall receive 20 per cent., that convicted of malfeasance, 40 per cent., and that not on penal servitude or a criminal defendant 60 per cent., of his earnings.)

Art. XXVIII.—A convict, an inmate of a reformatory, for a criminal defendant shall, by taking into consideration the physical constitution and the kind of work imposed, be allowed the following rations:—a ration consisting of 40 % of inferior rice and 60 % of barley, not more than 3 *go* per meal, with accompanying dishes, not more than 3 *sen* in value per day.

The foregoing rations may be varied, subject to the sanction of the Home Minister, according to local conditions and the constitution of convicts.

An inmate of a reformatory and a criminal defendant may be allowed to feed at his own expense. (The old article provides that the ration, made of 40 % of inferior rice and 40 % of barley, shall be given 7 to 8 and 3 *go* per day, according to the kind of labour imposed and the age of convict, the accompaniment not to exceed 1 *sen* in value per day. Criminal defendants only were allowed to feed at their own expense)

Art. XXIX.—Convicts, immates of reformatories, and criminal defendants may be caused to have their hair, beard whiskers, or mustache, cut short or shaved when deemed necessary.

(In the old article the cutting or shaving was compulsory, this applying however only to convicts.)

Art. XXX.—Convicts and immates of reformatories shall be made to receive moral instruction. Criminal defendants may be permitted to receive the same instruction.

(The clause about the criminal defendants is new.)

Art. XXXI.—Clause 2 to be amended as follows:—In case convicts or inmates of reformatories wish to read books, permission shall be granted only as regards those publications judged not to interfere with the work of correction or maintenance of order. (The old clause states that only works on ethics, religion, education, and business shall be allowed, while the clause 4 provides that newspapers or publications discussing current events shall not be allowed is expunged.)

Art. XXXII.—Convicts may send out only one letter in a month exclusive of extraordinary cases permitted by chief jailers. (The old article, while enacting the same provisions for convicts further stated that inmates of reformatories may not send more than two letters in a month.)

Clause 1 of Art. XXXV to be amended as follows:—

In case where an interview with a convict, or an inmate of a reformatory, or a criminal defendant is requested, such interview may be granted in the presence of a prison official (not of the chief jailer, as given in the old clause); but the request may be refused when anything suspicious is perceived or apprehended.

Categories 2 and 3 of clause 1 of Art. XLII to be amended as follows:—

2.—Diminution of rations: the quantity of rations per meal to be reduced to one half or one-third.

3.—Confined in a dark cell with rations reduced to one half or one-third and bedding forbidden.

In the old article the 2nd clause stated that the daily rations shall be reduced to 2 to 3 *go*, with only salt and water as accompaniment. The 3rd made a similar provision in regard to rations and bedding.

The clause relating to the reduction of rations mentioned in the 2nd clause, of Art. XLIII was also amended in the same way as in the above article.

A few other amendments have been effected, but as they are of no particular importance, they are omitted here.

No. 7 with Mr Bucks July 29.
No. 338

PRINCIPAL POINTS REQUIRING THE ATTENTION OF FOREIGN RESIDENTS REGARDING REVENUE LAWS.

The following notice has been sent out from the Yokohama Tax Office and is regarded, we understand, by the British Consular authorities as official:

All Revenue Laws shall be applied to foreign residents on and after the 4th of August, 1899.

The Income Tax of a juridical person is imposed according to the statements of the current business year, and that of Class II. is imposed whenever the interest on loans and debentures is paid.

The Income Tax of Class III. shall virtually take effect next year, as the amount of this class of income for each individual shall be determined by the Investigation Committee after the statements of individual taxpayers, which shall be sent into the Revenue Office in April next year.

For these statements there is no special form, the Department of Finance having lately abolished all such forms so as to give facility to the taxpayer.

If, however, any one wants a blank form for the statement, he may have it on applying to the Revenue Office. In such case, the taxpayer may fill in the items, together with the necessary facts.

The statement of income for a juridical person shall be set forth according to the Income Tax Law and the Regulations for the Execution of the said Law.

The execution of the Business Tax Law shall commence on January next year, as the liabilities of the tax arise by the statements of the payer submitted to the Revenue Office in the month of January as provided in Article XIII. of the Law.

There is no special form for the statement, it being sufficient to state all requirements provided in the Article.

Municipal Authorities of Cities and Towns (for instance, the Municipal Authority of the City of Yokohama or of the Town of Ota), are authorized by Law to collect the Income Tax as well as the Business Tax.

Municipal Authorities issue a notice to the taxpayer in the month when the taxes shall be assessed (the fixed period for the Income Tax being September and March; and for the Business Tax, May and November.)

Taxpaper (? Taxpayers) shall pay tax in cash and at the same time send in the notice already received to the Municipal Authorities, where he shall get a receipt.

If the taxpayer fails to pay taxes at the end of the fixed period above mentioned, the Director of the Revenue Office shall appoint a final date of payment for such taxpayer. In such case the Revenue Office shall assess the fee for the procedure.

If after the lapse of this appointed date the payer still fails to pay the taxes, his property shall be attached. (*Vide* the Law of Collection of Revenue Taxes, promulgated March 20th, Meiji 30th year).

Stamp Duty Law.—Fixed rates are mentioned in Articles II., III., and IV. of the Stamp Duty Law.

For a Bill of Exchange or Promissory Note, the rate is 2 sen for each one not less than Y.5 and not exceeding Y.2,000, and 10 sen for each one exceeding Y.2,000.

For all documents mentioned in Article IV. the prescribed rate shall be assessed.

For all other documents not mentioned in Articles III. and IV., when the amount of money mentioned in the document exceeds Y.5, the proportionate rate of $\frac{5}{10000}$ shall be payable, but when the sum of stamp duties amounts to Y.50, the proportionate rate shall no more be payable.

Cases for exemption of stamp duties are mentioned in Article V. They are mostly the cases of public functions, the receipt of salaries, tuition, etc.

There is no prescribed mode for affixing the stamp; it is only necessary to deface the stamp by the signature of the person concerned.

Registration Duty.—The duty shall be paid by affixing stamps which shall be defaced by an official of such offices as the matter concerns.

In the above and all other cases where the stamp is required, the revenue and other stamps in use, except postage stamps, may be used.

There are 25 Offices of Revenue Administration (*Zeimu Kwanri Kyoku*) throughout the Empire, the extent of jurisdiction of each Office varying from 1 to 8 *Ken*, the Office being presided over by a Director.

Besides the 25 Main Offices of Revenue Administration there are 520 Branch Offices in all, being located in cities and wards in large cities and towns.

The Directors of Main Offices and those of principal Branch Offices are appointed by the Minister President of State under the approval of His Majesty the Emperor.

All other officers are appointed by the Minister of Finance.

The Collector, when inspecting or making search regarding revenue matters in accordance with the Law, is provided with a Certificate of proper authority, and shall produce it when he intends to make the inspection.

Any complaint about the assessment of revenue shall be brought to the notice of the Minister of Finance through the Director of the Revenue Administration Office of the district where the complainant resides.

The other points concerning the Laws of Taxation may be made known as the need occurs from time to time.